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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHLEEN L. LIEBAU,

Plaintiff,

vs. Case No. 21-cv-11823

Hon. George Caram Steeh

DYKEMA GOSSETT, PLLC, a Mag. Judge David R. Grand
Michigan professional limited
liability company,

Defendant.

The Deposition of KATHLEEN LIEBAU, Volume 1,
Taken at 280 North Old Woodward Avenue, Suite 400,
Birmingham, Michigan,
Commencing at 1:08 p.m.,
Wednesday, March 9, 2022,
Before Cheri L. Poplin, CSR-5132, RPR, CRR.

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APPEARANCES:

FOR PLAINTIFF:

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ALSO PRESENT:

James Herman, Dykema Gossett

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| 2 | | medical issue that would in any way interfere with |
| 3 | WITNESS PAGE | your ability to listen to questions and to respond |
| 4 | KATHLEEN LIEBAU | truthfully? |
| 5 | | 4. A. Not at this time, no. |
| 6 | EXAMINATION BY MS. HARDY 4 | 5. Q. Or comprehend questions and respond? |
| 7 | | 6. A. No. |
| 8 | EXHIBITS | 7. Q. Are you taking any medications today? |
| 9 | | 8. A. No. |
| 10 | EXHIBIT PAGE | 9. Q. Do you take any medications on a regular basis? |
| 11 | (Exhibits not offered.) | 10. A. No. |
| 12 | | 11. Q. All right. So the rules of the deposition are that |
| 13 | | 12. I'm going to pose questions and you need to take the |
| 14 | | 13. time to listen carefully to the question, think about |
| 15 | | 14. it before you answer, and then respond verbally to my |
| 16 | | 15. questions. If you don't understand, please ask me to |
| 17 | | 16. repeat, let me know what it is you don't understand |
| 18 | | 17. about the question, and I'll try to modify it to make |
| 19 | | 18. sure we're communicating. Is that understood? |
| 20 | | 19. A. Understood. |
| 21 | | 20. Q. Okay. And if you at any point need a break, let me |
| 22 | | 21. know. I'll be happy to accommodate you as long as a |
| 23 | | 22. question isn't pending on the table. |
| 24 | | 23. All right. One other tip and reminder is |
| 25 | | 24. that you've got to make sure I finish my question |
| | | 25. before you start your response. It's very common for |
| | Page 4 | Page 6 |
| 1 | Birmingham, Michigan | 1 lawyers and witnesses to end up talking over one |
| 2 | Wednesday, March 9, 2022 | 2 another. I need to get my question out so our court |
| 3 | 1:08 p.m. | 3 reporter can take down my question, and I'll do my |
| 4 | | 4 best to let you answer before I pose another question. |
| 5 | KATHLEEN LIEBAU, | 5 If at any point in time you start to answer before I'm |
| 6 | was thereupon called as a witness herein, and after | 6 done, I'm going to have to remind you to, you know, |
| 7 | having first been duly sworn to testify to the truth, | 7 let me finish, and if I step on your answer at some |
| 8 | the whole truth and nothing but the truth, was | 8 point, let me know as well. Fair enough? |
| 9 | examined and testified as follows: | 9. A. Very good. Yes. |
| 10 | MS. HARDY: Let the record reflect that | 10. Q. Okay. All right. What is your legal name? |
| 11 | this is the discovery deposition of Kathy Liebau in | 11. A. Kathleen Lynn Liebau. |
| 12 | the case of Liebau versus Dykema Gossett. | 12. Q. Okay. How is your middle name spelled? |
| 13 | EXAMINATION | 13. A. L-Y-N-N. |
| 14 | BY MS. HARDY: | 14. Q. And was that your legal name at birth? |
| 15 | Q. Good afternoon. My name is Elizabeth Hardy and I | 15. A. No. |
| 16 | represent Dykema and I'm going to take your deposition | 16. Q. Okay. What was your legal name at birth? |
| 17 | today, which will consist of asking you a series of | 17. A. Kathleen Lynn Mulkeran, M-U-L-K-E-R-A-N. |
| 18 | questions about the factual support that you have for | 18. Q. Okay. And have you been known by any legal name other |
| 19 | the allegations that you've made in this lawsuit. | 19. than the one at birth and your current legal name? |
| 20 | Have you ever been through a deposition | 20. A. No. |
| 21 | before? | 21. Q. All right. Are you married? |
| 22 | A. I have not. | 22. A. Yes. |
| 23 | Q. Okay. Well, let me start with just one of the | 23. Q. When were you married? |
| 24 | critical background questions, which is concerning | 24. A. '88. |
| 25 | your medical condition. Do you currently have any | 25. Q. And what's your husband's name? |

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| <p>1 A. Theodore.</p> <p>2 Q. And do you have children?</p> <p>3 A. Yes.</p> <p>4 Q. And names and ages, please?</p> <p>5 A. Katelyn and Jessica.</p> <p>6 Q. And what are their ages?</p> <p>7 A. Jessie is 27 now and Kate's 19.</p> <p>8 Q. Okay. Do either of your children live with you and your husband?</p> <p>10 A. Katie's in college. And Jessie's off on her own, so . . .</p> <p>12 Q. So Katie's in college and living away from home?</p> <p>13 A. Right. But comes home weekends and still has a room and -- yeah. So . . .</p> <p>15 Q. Okay. What is your current address?</p> <p>16 A. 64341 Limerick Lane, Washington, Michigan, 48095.</p> <p>17 Q. That's your family home?</p> <p>18 A. Correct.</p> <p>19 Q. Where you and your husband reside?</p> <p>20 A. Correct.</p> <p>21 Q. And your children visit from time to time?</p> <p>22 A. Correct.</p> <p>23 Q. All right. How long have you lived there?</p> <p>24 A. 19 years.</p> <p>25 Q. Okay. Good. What's your date of birth?</p> | <p>1 Q. Okay. But very minimal?</p> <p>2 A. Minimal.</p> <p>3 Q. Couple classes?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And that was all at Macomb Community College?</p> <p>6 A. Correct.</p> <p>7 Q. All right. And then you enrolled in college after your termination from Dykema?</p> <p>9 A. Correct.</p> <p>10 Q. Where did you enroll?</p> <p>11 A. Macomb Community College.</p> <p>12 Q. And what year was that that you enrolled, year and month?</p> <p>14 A. January 2020 was the first semester available is the next one.</p> <p>16 Q. Are you enrolled in a degree program now?</p> <p>17 A. Yes.</p> <p>18 Q. What is that program?</p> <p>19 A. Paralegal, associate's, applied science.</p> <p>20 Q. How many credits have you completed?</p> <p>21 A. I'm going to have to guess.</p> <p>22 Q. Okay.</p> <p>23 A. 67. I'm almost done.</p> <p>24 Q. How many credits did you take in the first semester of 2020, the winter semester?</p> |
| <p>1 A. 10/10/1965.</p> <p>2 Q. And what was your date of hire at Dykema?</p> <p>3 A. February 4th, '85. Might have been February 5th.</p> <p>4 February 4th or 5th.</p> <p>5 Q. Do you have a high school degree?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have a college degree?</p> <p>8 A. No.</p> <p>9 Q. Do you have any college credits?</p> <p>10 A. Oh, yes.</p> <p>11 Q. When did you first earn college credits?</p> <p>12 A. The '90s.</p> <p>13 Q. Where did you attend?</p> <p>14 A. Macomb Community College.</p> <p>15 Q. Did you enroll in a degree program?</p> <p>16 A. Back in the '90s -- I don't think I declared it. I took a -- I'm giving too much. I did not declare a degree program until I went back to school.</p> <p>19 Q. All right. You're in school currently?</p> <p>20 A. Correct.</p> <p>21 Q. College?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. So how many college credits did you complete before you enrolled in your recent program?</p> <p>24 A. Just like eight. I'm not certain, though.</p> | <p>1 A. It -- so what I've been doing -- I mean, I can't say for sure. What I've been doing is I've been trying to do the eight-week courses so I can wedge two eight weeks in a semester so that I could still work, you know, so that I could manage all that. And they're not all for credit classes. I mean, I could give you my transcript.</p> <p>8 Q. Well, we'll eventually get your transcript, but I'm just trying to figure out how many hours per week you have been devoting to your course of study since your enrollment in January 2020.</p> <p>12 A. Oh. Enough so that I could work, so 20 hours, estimated.</p> <p>14 Q. Did you go to school in the winter semester, summer, and then reenroll again in the fall?</p> <p>16 A. Correct.</p> <p>17 Q. All right. So you've been continuously since January 2020 taking classes that require approximately 20 hours of time in terms of your attendance?</p> <p>20 A. Correct.</p> <p>21 Q. And then studying on top of that?</p> <p>22 A. Correct.</p> <p>23 Q. Okay.</p> <p>24 A. Could do it all in about 20 hours.</p> <p>25 Q. All right. Thinking that you were leaving roughly</p> |

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| <p>1 20 hours to work if you were to find a job?</p> <p>2 A. I was leaving 40 hours to work if I found a job. I 3 didn't want more than 20 school so that I could work.</p> <p>4 Q. All right. So if you found a job for 40 hours a week, 5 you would have been working 60 hours a week between 6 school and a job?</p> <p>7 A. Correct. Which I did.</p> <p>8 Q. Which you did?</p> <p>9 A. Yes.</p> <p>10 Q. When was that?</p> <p>11 A. I got a job at Borland's in February 2020, and that 12 was a 40-hour-a-week job.</p> <p>13 Q. And how long did that last?</p> <p>14 A. Till the pandemic hit. We -- they furloughed us along 15 with the rest of the state in April, and then sadly 16 they had to lay us all off in September when things 17 didn't correct themselves, so . . .</p> <p>18 Q. So how many paid weeks did you work for that firm or 19 months?</p> <p>20 A. Probably six to eight paid weeks.</p> <p>21 Q. And then you were just on layoff unpaid and then 22 advised in September 2020 that you were permanently --</p> <p>23 A. Furloughed at first and then in September --</p> <p>24 Q. Separated?</p> <p>25 A. -- they had to lay us all off.</p> | <p>1 Q. -- that type of job; correct?</p> <p>2 A. Did you want to restate?</p> <p>3 Q. Did you hear the question?</p> <p>4 MS. HARDY: Can you read it back?</p> <p>5 COURT REPORTER: But you don't have the 6 educational background currently for that type of job; 7 correct?</p> <p>8 A. I have through experience and training the ability to 9 do that job, and because I do not have the 10 educational, that's why I'm back in school.</p> <p>11 BY MS. HARDY:</p> <p>12 Q. Okay. But focusing in the interim, prior to getting 13 your degree as a legal assistant or paralegal on that 14 type of work was not going to produce a job for you 15 because you lacked the education; correct?</p> <p>16 A. False. I was a senior paralegal at Borland's.</p> <p>17 Q. Has any other firm that you've sought employment with 18 been willing to entertain your application in light of 19 the fact that you don't have a degree, paralegal or 20 legal assistant degree?</p> <p>21 A. Many. And it's my opinion that it's Dykema's 22 reporting me as a secretary that wipes me out of the 23 running, because they are misreporting my service and 24 have been.</p> <p>25 Q. Your title or classification at Dykema was either</p> |
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| <p>1 Q. And so have they ever brought anyone back since 2 business has been functioning again?</p> <p>3 MR. FARRAR: Object to form.</p> <p>4 But you can answer.</p> <p>5 A. I've been in contact with them a bit, but they are in 6 the foreclosure and eviction sector, and I don't think 7 they are up and running, so I've periodically gotten 8 emails, you know, and they're group emails, not just 9 me, but, you know, who's still out there available to 10 work, and so if you are, respond, so I'd respond, but 11 they're still not up and running, so . . .</p> <p>12 BY MS. HARDY:</p> <p>13 Q. Have you since your termination from Dykema made a 14 concerted effort to find a job as a legal secretary or 15 administrative assistant, whatever the title may be at 16 given firms?</p> <p>17 A. I am not a very good legal secretary. I haven't done 18 that work since 2005. So I have been looking for 19 legal assistant, paralegal positions.</p> <p>20 Q. So that's exclusively the type of work you've been 21 looking for since leaving Dykema?</p> <p>22 A. Correct.</p> <p>23 Q. All right. But you don't have the educational 24 background currently for --</p> <p>25 A. But I have --</p> | <p>1 legal secretary or administrative assistant at all 2 times; correct?</p> <p>3 A. False.</p> <p>4 Q. What do you claim your title was and when?</p> <p>5 A. Project administrator, discovery for over a decade.</p> <p>6 Q. Your job classification was always legal secretary or 7 administrative assistant; correct?</p> <p>8 A. I'm not human resources. My title was project 9 administrator, discovery for over a decade.</p> <p>10 Q. You weren't aware that your classification at all 11 times was legal secretary or administrative assistant 12 once that title was changed at the firm?</p> <p>13 A. Once that title was unilaterally changed, that was one 14 of the events and issues leading to where we are now.</p> <p>15 Q. Do you know when the title legal assistant was changed 16 to administrative assistant?</p> <p>17 A. Yes. August 2017.</p> <p>18 Q. All right. We'll return to that later. We jumped 19 ahead of it. Let's go back to some other background 20 questions.</p> <p>21 Have you ever been a plaintiff or a 22 defendant in litigation other than this particular 23 case?</p> <p>24 A. Yes.</p> <p>25 Q. A plaintiff or a defendant or both at some point?</p> |

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| <p>1 A. Both.</p> <p>2 Q. Okay. Let's start with the list. Let's talk about 3 the times you've been a plaintiff. How many different 4 cases have you been a plaintiff in and what are the 5 titles of those actions?</p> <p>6 A. Just one and it was Liebau versus Romeo Community 7 Schools.</p> <p>8 Q. What were you suing Romeo Community Schools about?</p> <p>9 A. They were restricting my daughter from eating any 10 peanut or tree nut related food for lunch.</p> <p>11 Q. What was the legal claim that you brought against 12 Romeo?</p> <p>13 A. That's where I messed it up. It ended up being 14 dismissed because I failed to properly state the 15 claim.</p> <p>16 Q. Did you have an attorney representing you?</p> <p>17 A. I did not.</p> <p>18 Q. Where was the case filed?</p> <p>19 A. Macomb County.</p> <p>20 Q. When was it filed?</p> <p>21 A. I gotta guess.</p> <p>22 Q. Okay. Give me a general.</p> <p>23 A. 2010.</p> <p>24 Q. How long was the case pending before it was dismissed?</p> <p>25 A. Three years.</p> | <p>1 A. Bender. Just one. Bender versus me.</p> <p>2 Q. Who is Bender?</p> <p>3 A. My mother.</p> <p>4 Q. Okay. What's her first name?</p> <p>5 A. Pauline.</p> <p>6 Q. What did she sue you about?</p> <p>7 A. Well, we -- my husband and I built a house with her up 8 in Midland County, and as part of her divorce she gave 9 it to her ex-husband and then he suddenly died, and so 10 she sued me to get it back.</p> <p>11 Q. What was the outcome of that case?</p> <p>12 A. We ended up selling it.</p> <p>13 Q. And where was it pending?</p> <p>14 A. Midland.</p> <p>15 Q. Were you represented by an attorney?</p> <p>16 A. Yes. Partly. He --</p> <p>17 Q. Was -- go ahead. I'm sorry.</p> <p>18 A. He kept getting our names wrong and so I fired him. 19 I'm like you're not even getting our names right.</p> <p>20 Q. When was that case filed?</p> <p>21 A. Jeez. When was that? I'm going to have to guess 22 again. My daughter wasn't even born -- second 23 daughter wasn't even born yet, so . . . '99.</p> <p>24 Q. How long was it pending before you resolved it?</p> <p>25 A. Shorter. Six months.</p> |
| Page 16 | Page 18 |
| <p>1 Q. And what was your theory as to why your daughter was 2 entitled to eat peanuts if they had a restriction due 3 to allergies of other children?</p> <p>4 A. My daughter had a condition called GERD where she 5 couldn't eat other foods but she could eat peanut 6 butter and jelly, and it was -- she thrived on it, so 7 I felt that was a violation of me being able to care 8 for my own daughter.</p> <p>9 Q. Did you try to work with the school to make an 10 arrangement for some kind of accommodation as to how 11 your daughter could have her peanut butter sandwiches 12 in an area where it would not create issues for other 13 children?</p> <p>14 A. Absolutely.</p> <p>15 Q. All right. And what did you propose in that regard?</p> <p>16 A. I said, well, if you can't remove the other child, 17 remove the peanut people and let the peanut people eat 18 in another room, and the superintendent said too many 19 people will use it, so no.</p> <p>20 Q. Okay. So the case was dismissed and you did not 21 receive any kind of settlement; is that correct?</p> <p>22 A. I did not.</p> <p>23 Q. All right. So you've been a defendant in litigation?</p> <p>24 A. I have.</p> <p>25 Q. Okay. Why don't you list the cases.</p> | <p>1 Q. Have you been estranged from your mother since then?</p> <p>2 A. Yes.</p> <p>3 Q. So no contact at all?</p> <p>4 A. Nope.</p> <p>5 Q. And is your father deceased?</p> <p>6 A. He is.</p> <p>7 Q. All right. And he was deceased before this action was 8 filed?</p> <p>9 A. No. He was deceased in '14, I believe.</p> <p>10 Q. Okay. Did you maintain contact with your father --</p> <p>11 A. Oh, yes.</p> <p>12 Q. -- up until the time of his death?</p> <p>13 A. Yeah.</p> <p>14 Q. Do you have siblings?</p> <p>15 A. Yes.</p> <p>16 Q. Were they involved in the litigation?</p> <p>17 A. They didn't help build the house.</p> <p>18 Q. Did they support your mother in her litigation against 19 you or moral support or support of other kinds?</p> <p>20 A. Well, I mean, it's a very long story. They remained 21 neutral for most of it, and then at my mother's 22 pressing they submitted a half a page letter toward 23 the end, so . . .</p> <p>24 Q. Okay. So the only two lawsuits that you have been 25 involved in as a party prior to this lawsuit was the</p> |

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| <p>1 one that you filed against Romeo Schools and the one 2 that your mother filed against you?</p> <p>3 A. Correct.</p> <p>4 Q. Were you deposed in either of those actions?</p> <p>5 A. Oh, you know, I actually did forget about that. Yes. 6 In the -- in the Bender issue I was. I totally forgot 7 about that. Yes, I was. I forgot.</p> <p>8 Q. So you gave a deposition or was --</p> <p>9 A. I did. I did.</p> <p>10 Q. Is that the only deposition you've given prior to 11 today's?</p> <p>12 A. Yes.</p> <p>13 Q. Focusing now on Dykema and the legal issues that gave 14 rise to this case, when did you first seek legal 15 counsel concerning the employment issues that you felt 16 you were having at Dykema?</p> <p>17 THE WITNESS: Can she ask me that? That's 18 not waiving any privilege?</p> <p>19 BY MS. HARDY:</p> <p>20 Q. No.</p> <p>21 MR. FARRAR: You can answer that.</p> <p>22 THE WITNESS: I can?</p> <p>23 MR. FARRAR: Yes.</p> <p>24 A. May 2019.</p> <p>25 BY MS. HARDY:</p> | <p>1 Q. Why?</p> <p>2 A. I see the way that the -- as my kids were growing up, 3 kids would be over, and then I've seen the way social 4 people, you be out to dinner with someone, they grab 5 their phone. I think it's rude. I had a phone in my 6 desk, phone in my house, phone in my car, and I -- you 7 can always reach me if you needed me, and if you 8 couldn't, I was busy, so . . .</p> <p>9 Q. What setup do you have in your car with a phone?</p> <p>10 A. OnStar. It's not connected right now, but . . . I --</p> <p>11 Q. When did you first acquire OnStar connection for the 12 purposes of making calls or receiving calls from your 13 car?</p> <p>14 A. When I purchased my G6 it came with it and then I let 15 it go, and when I purchased the car that I have now it 16 came with it and then I let it go, but I had to 17 reinstate it when Sue Choma insisted that I make calls 18 on the road going to and from work.</p> <p>19 Q. All right. So let's go back to 2015. Did you have 20 OnStar connection at that point for the purposes of 21 making phone calls or receiving them from your car?</p> <p>22 A. I couldn't tell you.</p> <p>23 Q. Between 2015 and your termination from Dykema, when 24 did you have phone connection from your car?</p> <p>25 A. When Sue Choma required that I call her if I'm a</p> |
| <p>1 Q. Was that before or after you were placed on probation?</p> <p>2 A. After.</p> <p>3 Q. And is the Sterling Law Firm the only firm that you 4 have sought legal counsel from in connection with your 5 employment at Dykema or have there been other firms?</p> <p>6 THE WITNESS: And I can answer these?</p> <p>7 MR. FARRAR: You can't -- without getting 8 into anything you discussed with attorneys, you can 9 answer whether you talked to any attorneys.</p> <p>10 A. Okay. Just Sterling.</p> <p>11 BY MS. HARDY:</p> <p>12 Q. When in May did you first seek legal counsel?</p> <p>13 A. I don't recall the exact date.</p> <p>14 Q. Was it right after your probation or shortly after?</p> <p>15 A. Very shortly after, yes.</p> <p>16 Q. Let's talk about your devices that you have that you 17 use for communication. Do you have a mobile phone 18 currently?</p> <p>19 A. I do not.</p> <p>20 Q. Okay. Have you ever had a mobile phone that you use 21 for your purposes?</p> <p>22 A. I have not.</p> <p>23 Q. So you have truly gone until 2022 never having --</p> <p>24 A. It's actually a joke. I say I'm the last person in 25 America without a cell phone. It's a decision I made.</p> | <p>1 minute late on the highway.</p> <p>2 Q. So do you recall when it is you had it reinstated for 3 that -- as a result of that conversation?</p> <p>4 A. Based on what she put in my file and we had 5 conversations about calling her for even a minute, it 6 was right in there. Like probably following -- I 7 probably did it the next day, because she told me to 8 go find a pay phone. I said okay.</p> <p>9 Q. All right. Well, we'll go back to that in a bit. So 10 you've never texted -- used the text function on a 11 phone?</p> <p>12 A. I wouldn't say that. I have a phone for my daughter. 13 My husband has a phone, so on vacation. I've got 14 Google Voice, so I use that for text. So yeah, I'm 15 not technologically unsavvy. I just choose not to 16 have a cell phone.</p> <p>17 Q. What did you say you used for texting? Google Voice?</p> <p>18 A. Um-hmm.</p> <p>19 Q. How does that work?</p> <p>20 A. It's like email, but -- so it comes through my 21 computer.</p> <p>22 Q. Comes through a laptop?</p> <p>23 A. Anywhere you can access your Gmail account.</p> <p>24 Q. Okay. And so what's the difference on Google Voice 25 between a text and an email?</p> |

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| <p>1 A. Nothing to the person I'm corresponding with.</p> <p>2 Nothing.</p> <p>3 Q. So let's go over your email addresses. What have been</p> <p>4 your personal email addresses since 2015?</p> <p>5 A. I believe I just have the one that I still have to</p> <p>6 this day, Kathy123456@gmail.com.</p> <p>7 Q. At Gmail.com?</p> <p>8 A. Correct.</p> <p>9 Q. And you access that email -- do you have a personal</p> <p>10 laptop that's yours?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. That you've -- have you had the same laptop</p> <p>13 since 2015?</p> <p>14 A. No.</p> <p>15 Q. What different laptops have you had since 2015 that</p> <p>16 have been dedicated to you?</p> <p>17 A. Let's see. '15. Maybe it has been the same. I had</p> <p>18 to get a new computer at one point because it -- I</p> <p>19 don't know. I got malware or something, so . . . But</p> <p>20 I think that was prior to '15.</p> <p>21 Q. What kind of laptop is that?</p> <p>22 A. Gateway.</p> <p>23 Q. And what service do you have for --</p> <p>24 A. Actually Gateway is my desktop. My laptop is a Zeus.</p> <p>25 Q. Do you have a desktop at home?</p> | <p>1 platforms that you've been on?</p> <p>2 A. Facebook, LinkedIn.</p> <p>3 Q. Okay. How long have you been on Facebook?</p> <p>4 A. I think I joined it in '18, late to that party, and</p> <p>5 then quickly departed from that party because it's a</p> <p>6 waste of time. And LinkedIn, I joined it at the firm.</p> <p>7 When it came about, they said everyone should make</p> <p>8 one, so I made one.</p> <p>9 Q. When was that?</p> <p>10 A. I'm guessing. When did they do it? 2005, 2006.</p> <p>11 Q. All right. So what is your screen name on Facebook?</p> <p>12 A. Kathy Liebau, I think. I don't have any acronym or</p> <p>13 handle or anything.</p> <p>14 Q. Did you actually disconnect from Facebook?</p> <p>15 A. No. I just don't look at it.</p> <p>16 Q. So you initially acquired a Facebook page in '18, and</p> <p>17 how long and often did you use it since?</p> <p>18 A. I mean, very rare -- occasionally I still -- okay. I</p> <p>19 volunteer for the Humane Society, so they ask us to</p> <p>20 forward posts, so I do use it for that. I forward</p> <p>21 Humane Society posts.</p> <p>22 Q. Have you ever posted on Facebook anything about</p> <p>23 Dykema?</p> <p>24 A. No.</p> <p>25 Q. Have you used any other social media platforms other</p> |
| Page 24 | Page 26 |
| <p>1 A. Yes.</p> <p>2 Q. So you have both a laptop that you use and a desktop?</p> <p>3 A. Correct.</p> <p>4 Q. All right. And who do you get your service through?</p> <p>5 Who's your provider?</p> <p>6 A. AT&T U-verse.</p> <p>7 Q. And how long has AT&T U-verse been your provider?</p> <p>8 A. Forever. In Romeo they're virtually the only one,</p> <p>9 so . . .</p> <p>10 Q. So since 2015 you've had a desktop, a Gateway desktop,</p> <p>11 and a Zeus laptop? You've had the same devices</p> <p>12 continuously since '15? Yes?</p> <p>13 A. Yes. Correct.</p> <p>14 Q. And AT&T U-verse has been your provider?</p> <p>15 A. Correct.</p> <p>16 Q. And all emails, personal emails have been on -- you've</p> <p>17 used just one email address for that purpose?</p> <p>18 A. Correct.</p> <p>19 Q. All right. Do you use your -- any of your children's</p> <p>20 emails to communicate with people or your husband's</p> <p>21 email?</p> <p>22 A. No.</p> <p>23 Q. Just yours?</p> <p>24 A. Correct.</p> <p>25 Q. All right. What about social media? Are there any</p> | <p>1 than Facebook and LinkedIn?</p> <p>2 A. No.</p> <p>3 Q. Okay. So what is your user name or screen name on</p> <p>4 LinkedIn?</p> <p>5 A. Kathy Liebau.</p> <p>6 Q. And have you ever used LinkedIn for any purpose other</p> <p>7 than to post your information about your employment?</p> <p>8 A. No.</p> <p>9 Q. And is there anything on LinkedIn other than</p> <p>10 information about your employment at Dykema?</p> <p>11 A. Borland's. I think I've got Humane Society volunteer</p> <p>12 work on there. I think that's it.</p> <p>13 Q. Tell me what you did to search for documents that were</p> <p>14 requested by Dykema pursuant to its document request.</p> <p>15 A. Well, anything that I would have, you guys would have</p> <p>16 because I would have forwarded them to my home address</p> <p>17 from my work computer, so search for anything sent to</p> <p>18 Kathy Liebau 123456 and you'll know exactly what I</p> <p>19 have.</p> <p>20 Q. Well, that's -- thank you for that information, but</p> <p>21 that's not responding to my question. So let me</p> <p>22 phrase a new question. Did you ever look at the</p> <p>23 document request that Dykema served on you?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. You went through and actually read the request</p> |

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|--|--|
| <p>1 so you know what documents they were asking for?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Did you make any attempt to search your</p> <p>4 either, you know, home or on your computer, desktop,</p> <p>5 on your laptop for documents that were responsive to</p> <p>6 those requests?</p> <p>7 A. Yes.</p> <p>8 Q. All right. What did you do in that regard?</p> <p>9 A. Okay. So I'm very organized. I utilize folders in my</p> <p>10 mail account, and so things relating to Dykema went in</p> <p>11 that folder.</p> <p>12 Q. What were the names of the folders that related to</p> <p>13 Dykema?</p> <p>14 A. Actually I think it's labeled Sterling Law, so you</p> <p>15 can't have everything in there, so . . .</p> <p>16 Q. When did you create the folders related to Dykema?</p> <p>17 A. Probably 2019.</p> <p>18 Q. After your termination or before?</p> <p>19 A. Before.</p> <p>20 Q. After retaining the Sterling Law Firm?</p> <p>21 A. No.</p> <p>22 Q. And then you -- what did you place in that folder</p> <p>23 prior to retaining the Sterling Law Firm?</p> <p>24 A. I was preparing a rebuttal response to the false</p> <p>25 allegations against me, and so I had sent from my work</p> | <p>1 didn't have a lot of documents that needed to be</p> <p>2 segregated, so . . .</p> <p>3 Q. What do you mean before this "thing" happened?</p> <p>4 A. Before I was wrongfully terminated because of my age.</p> <p>5 I didn't have a lot of documents that needed to be</p> <p>6 segregated.</p> <p>7 Q. Did you segregate any documents concerning Dykema</p> <p>8 before your termination?</p> <p>9 A. Before my termination. Yes.</p> <p>10 Q. And they were in a folder on your desktop at home?</p> <p>11 A. Correct. Correct.</p> <p>12 Q. And they were forwarded from the firm's email account</p> <p>13 to your personal email account?</p> <p>14 A. Correct.</p> <p>15 Q. And then after you retained the Sterling Law Firm,</p> <p>16 additional documents were placed in that folder?</p> <p>17 A. That's when I made the folder and started saying,</p> <p>18 okay, let's get organized on this.</p> <p>19 Q. When did you start forwarding documents or emails that</p> <p>20 were work-related and on the Dykema system to your</p> <p>21 personal email account?</p> <p>22 A. Okay. You're going to have to kind of back up a</p> <p>23 little bit. So throughout -- or say it again, because</p> <p>24 I guess I don't want to give you your question.</p> <p>25 MS. HARDY: Cheri, could you read it back?</p> |
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| <p>1 computer some evidence to show that these allegations</p> <p>2 against me were false, so I have those, which you now</p> <p>3 have as well. I gave them to you guys. So that --</p> <p>4 that's what I had. I had sent myself to prepare my</p> <p>5 response so that I could attach them to refute these</p> <p>6 allegations against me.</p> <p>7 Q. You never finished that rebuttal and gave it to</p> <p>8 Dykema, did you?</p> <p>9 A. No, I didn't.</p> <p>10 Q. Okay. So in the folder prior to anything coming from</p> <p>11 or related to the Sterling Law Firm, you had the</p> <p>12 documents that you thought supported your case for</p> <p>13 false allegations and the draft of the rebuttal?</p> <p>14 A. Correct.</p> <p>15 Q. Anything else?</p> <p>16 A. I -- I can't tell you -- I gave you everything that</p> <p>17 was in there.</p> <p>18 Q. What was the title of that folder before you retained</p> <p>19 the Sterling Law Firm?</p> <p>20 A. I may not have created the folder un -- until it</p> <p>21 started growing, so --</p> <p>22 Q. What do you mean growing?</p> <p>23 A. Well, okay. Like things related to my daughter's</p> <p>24 college I put under Kate, you know, and stuff like</p> <p>25 that. But before this thing with Dykema happened, I</p> | <p>1 COURT REPORTER: When did you start</p> <p>2 forwarding documents or emails that were work-related</p> <p>3 and on the Dykema system to your personal email</p> <p>4 account?</p> <p>5 A. 2005.</p> <p>6 BY MS. HARDY:</p> <p>7 Q. And what was your pattern as of 2005 in terms of</p> <p>8 forwarding work-related emails to your personal</p> <p>9 account?</p> <p>10 A. It was work-related, so I -- I worked a reduced</p> <p>11 schedule, but the mandate that I understood from my</p> <p>12 partner in charge was I could keep my reduced schedule</p> <p>13 as long as I got the work done, so I would forward to</p> <p>14 myself discovery responses so that I could prepare the</p> <p>15 doc requests at home, so that is work-related that I</p> <p>16 would send to my home so that I could prepare the doc</p> <p>17 request, and I'd send it back to work and then send</p> <p>18 the doc request to the client the next workday, so it</p> <p>19 was work-related.</p> <p>20 Q. When did you start forwarding to your personal email</p> <p>21 account from the Dykema system emails or work -- other</p> <p>22 work documents that related to the issues in this</p> <p>23 lawsuit?</p> <p>24 A. I would say in January 2018 when false allegations</p> <p>25 started being made against me.</p> |

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|--|---|
| <p>1 Q. In 2018?</p> <p>2 A. Yes.</p> <p>3 Q. All right. So when in 2018 did you start forwarding</p> <p>4 emails and work-related documents to your personal</p> <p>5 email account related to complaints you had about your</p> <p>6 treatment at Dykema?</p> <p>7 A. Okay. That was really long.</p> <p>8 THE WITNESS: Can you read it back again,</p> <p>9 please?</p> <p>10 COURT REPORTER: So when in 2018 did you</p> <p>11 start forwarding emails and work-related documents to</p> <p>12 your personal email account related to complaints you</p> <p>13 had about your treatment at Dykema?</p> <p>14 A. I would say after my 2018 review with Sue Choma where</p> <p>15 there were some allegations in there that shocked me,</p> <p>16 I forwarded that review to my home, and I was going to</p> <p>17 prepare responses there as well, and so things that</p> <p>18 would refute these allegations that were being made</p> <p>19 against me starting in 2018.</p> <p>20 BY MS. HARDY:</p> <p>21 Q. Okay. And with what degree of regularity did you</p> <p>22 forward either work-related emails or any</p> <p>23 communications or documents from Dykema to your home</p> <p>24 account related to the issues that give rise to this</p> <p>25 lawsuit?</p> | <p>1 information covering 2018 and 2019?</p> <p>2 A. Originally it would just sit in my inbox. Again, I</p> <p>3 didn't start moving it out until summer of 2019.</p> <p>4 Q. What did you do in your search process concerning the</p> <p>5 response to the document request to identify and</p> <p>6 produce all of the emails and documents that you sent</p> <p>7 from Dykema to your home address that related to</p> <p>8 things you had a complaint about?</p> <p>9 A. I went through that Sterling folder and gave you</p> <p>10 anything that wasn't from my attorney.</p> <p>11 Q. But it sounds like there's a lot -- potentially a lot</p> <p>12 of other emails that you were forwarding in the 2018</p> <p>13 and 2019 time frame that didn't make it into that</p> <p>14 Sterling folder; correct?</p> <p>15 A. They ultimately did. Like right now in my inbox I've</p> <p>16 only got 20 emails. I don't like 5,000 emails in my</p> <p>17 inbox. And if you look at my computer that I used to</p> <p>18 have at work, you will see that this is true. I keep</p> <p>19 it tidy. So right. When the Dykema stuff started to</p> <p>20 get slightly voluminous, I -- I -- I moved it all. So</p> <p>21 there's only like 20 items in my inbox at the moment.</p> <p>22 There's nothing I missed.</p> <p>23 Q. So let's take the 2018 time frame. Did all of those</p> <p>24 forwarded emails make it into the Sterling folder?</p> <p>25 A. Yes.</p> |
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| <p>1 A. All right. So not doing document requests and things</p> <p>2 like that?</p> <p>3 Q. Right. Put that aside. What you thought demonstrated</p> <p>4 bad behaviors by people at Dykema.</p> <p>5 A. When -- how often would I do that?</p> <p>6 Q. I'm trying to understand whether this is something you</p> <p>7 did daily, weekly.</p> <p>8 A. Oh. When I would be shocked by some allegation</p> <p>9 against me, I would try to send something to my home</p> <p>10 so I could think about it at home. We were busy at</p> <p>11 work. I didn't have time for this stuff at work. So</p> <p>12 I would forward it to home so that I could digest it,</p> <p>13 and then things that -- documents that would help</p> <p>14 refute the things being said against me I would send</p> <p>15 to myself.</p> <p>16 Q. All right. So there's quite a steady stream of</p> <p>17 information you were forwarding to your home email</p> <p>18 address; correct?</p> <p>19 MR. FARRAR: Objection to form.</p> <p>20 You can answer.</p> <p>21 A. Steady stream. When something would be -- when I</p> <p>22 would falsely be accused of something, there would</p> <p>23 usually be an email to myself at home.</p> <p>24 BY MS. HARDY:</p> <p>25 Q. All right. So where did you store electronically that</p> | <p>1 Q. You went back through and pulled all of them into the</p> <p>2 folder?</p> <p>3 A. Yes.</p> <p>4 Q. When did you do that?</p> <p>5 A. Summer of 2019.</p> <p>6 Q. After your termination?</p> <p>7 A. No.</p> <p>8 Q. Before?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And how did you go about locating,</p> <p>11 searching for all those emails and making sure that</p> <p>12 you got them moved into the Sterling folder?</p> <p>13 A. You can see what they are and you just drag them over.</p> <p>14 Q. How were they identified so that you could easily pick</p> <p>15 them out and make sure they got moved?</p> <p>16 A. From Kliebau@dykema.com.</p> <p>17 Q. So everything that you forwarded in '18 and '19 was</p> <p>18 labeled -- did it have different subject titles to</p> <p>19 them?</p> <p>20 A. Sure.</p> <p>21 Q. All right. So what was your methodology for</p> <p>22 determining what should go into the Sterling folder?</p> <p>23 A. Anything that was not from my attorney.</p> <p>24 Q. So what is in the Sterling folder --</p> <p>25 A. Wait, wait, wait. I think I misunderstood your</p> |

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|---|--|
| <p>1 question. I heard you -- my brain heard say how did I 2 determine what to give to you, and that wasn't the 3 question, was it?</p> <p>4 Q. No, it was not. I'm asking about how you determined 5 what would go into the Sterling folder. What would be 6 electronically transferred?</p> <p>7 A. Anything having to do with Dykema.</p> <p>8 Q. But you didn't transfer, for instance, the work 9 assignments that you had been --</p> <p>10 A. Oh, those had -- those are deleted. Like -- like when 11 I would do doc requests or whatever, I would just 12 clean them out. I mean, I had no use for it once I 13 did a doc request, you know. Or there was an issue -- 14 okay. I'm giving too much information. Never mind.</p> <p>15 Q. If there was an issue. Complete your sentence.</p> <p>16 A. I was accused of working unauthorized overtime in 17 January of '18 when I worked on assessment summaries 18 at home because it was Martin Luther King weekend, and 19 so I sent myself vehicle records to do those 20 assessment summaries. I've lost my train of thought. 21 So yeah. So, but that was work-related. That wasn't 22 Dykema issue related. That was actually getting the 23 work done related. And so then I'd delete them. Once 24 I prepared the summaries, emailed them back to myself 25 I'd just get rid of them.</p> | <p>1 BY MS. HARDY:</p> <p>2 Q. So do you have any hard copies of Dykema documents or 3 emails that you've retained?</p> <p>4 A. Some of the things that we produced I had to scan.</p> <p>5 They were -- they were printed.</p> <p>6 Q. And where do you retain Dykema related documents in 7 hard copy? Are they retained in your home?</p> <p>8 A. Yes.</p> <p>9 Q. Anywhere else other than your home?</p> <p>10 A. No.</p> <p>11 Q. And where in your home? In a folder?</p> <p>12 A. Sitting in the back room in the basement.</p> <p>13 Q. Are they in an identifiable area?</p> <p>14 A. Yeah. They're in a folder, a file, yes.</p> <p>15 Q. I mean, kept all in a particular area?</p> <p>16 A. Yeah.</p> <p>17 Q. All right. And did you search that area?</p> <p>18 A. Yes.</p> <p>19 Q. All right. And describe that area. Is it a 20 particular box? Is it a folder in a drawer?</p> <p>21 A. It's a blue folder with -- in a Red -- Redweld.</p> <p>22 Q. All right. And you have searched that for anything 23 related -- that's responsive to the document request?</p> <p>24 A. Yes.</p> <p>25 Q. Are you confident that you have searched all areas for</p> |
| <p style="text-align: center;">Page 36</p> <p>1 Q. So it's your testimony that everything that you sent 2 from Dykema to your home email address or to your 3 Gmail address has been retained, concerning the issues 4 underlying this lawsuit, has been retained and put in 5 the Sterling folder and produced but for documents 6 that your attorney has declared privileged?</p> <p>7 A. Correct.</p> <p>8 MS. HARDY: Have you provided a privilege 9 log?</p> <p>10 MR. FARRAR: I'm not sure. Did you receive 11 one?</p> <p>12 MS. HARDY: Not that I'm aware of. Did you receive 13 one?</p> <p>14 MR. FARRAR: I don't recall if we did one. 15 I don't recall if we're withholding any documents on 16 the grounds of privilege. But if we did, then we'll 17 provide a privilege log.</p> <p>18 MS. HARDY: Okay. You're not aware of 19 having done that yet?</p> <p>20 MR. FARRAR: I don't recall having done 21 one, and I also don't recall that we withheld any 22 documents on the grounds of privilege.</p> <p>23 MS. HARDY: Okay. All right. Well, we'll 24 follow up on that or David will follow up on that.</p> <p>25 MR. FARRAR: Okay.</p> | <p style="text-align: center;">Page 38</p> <p>1 hard copy documents and for electronic documents that 2 are responsive to the document request?</p> <p>3 A. There is a small possibility that I might have another 4 folder in my garage, but right now the patio 5 furniture's in there and so is the Christmas 6 decorations, so I'm not certain if there might be 7 another file in my garage.</p> <p>8 Q. Are you able to testify under oath that you have done 9 a comprehensive search of your computers for all 10 responsive documents?</p> <p>11 A. Yes.</p> <p>12 Q. All right. And you have done a comprehensive search 13 for all copies but for the documents that may be in 14 your garage?</p> <p>15 A. Correct.</p> <p>16 Q. There's not any other area where documents could be 17 located?</p> <p>18 A. No.</p> <p>19 Q. All right. Well, you're going to have to follow up 20 and --</p> <p>21 A. Look in my garage.</p> <p>22 Q. -- get whatever is in the garage irrespective of the 23 patio furniture, so . . .</p> <p>24 So are documents stored electronically 25 anywhere other than on your desktop or in your email</p> |

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| <p>1 system?</p> <p>2 A. No.</p> <p>3 Q. In your Gmail?</p> <p>4 A. No.</p> <p>5 Q. Do you have any audio recordings or did you at any point in time have any audio recordings of conversations with employees at Dykema?</p> <p>8 A. No.</p> <p>9 Q. What about photographs?</p> <p>10 A. No.</p> <p>11 Q. Never took any photographs of coworkers at parties or any kind of get-together?</p> <p>13 A. No. Remember I don't have a phone.</p> <p>14 Q. You might have a camera.</p> <p>15 A. No. I didn't walk around with a camera.</p> <p>16 Q. Did you receive any photos that colleagues sent you of parties or events that would, you know, depict the, you know, coworker get-togethers or any kind of interactions with them?</p> <p>20 A. I think after some events Sue Choma would circulate some photos. I did not download them or save them.</p> <p>22 On bring your daughter to work day they went around and took pictures of everyone who brought their kid, so they took a picture of me and my kid.</p> <p>25 Q. Those were sent to your work email address or were</p> | <p>1 Q. Let's take the 2015 time frame again through your termination. Did you record through an electronic system your events on a calendar or did you have a hard copy or did you do both?</p> <p>5 A. I would print out -- okay. I'd do it electronically through Outlook. And then I would print that out, like I said, so that -- so like okay. The first due date in discovery is you've got to do the answers, so those would go on the calendar that I actually shared with Clay so that he was also aware when our answers were due. But then like so that would be all full with, you know, answer, la la la. But I'd print that out and then I would keep the manual one on my desk, so, okay, those answers are done, I did the doc request, now it's green. You know, now I got the documents back, I sent them to opposing counsel, now it's -- I'm crossing it out with my -- my pen, you know. So -- so both. I did not do that document portion electronically because it only affected me. It didn't affect Clay. So really just the first due date would be shared with the client.</p> <p>22 Q. Did you make entries on your calendar either electronically or in hard copy about events such as your performance review, performance counseling, any conversations that you had with --</p> |
| <p>1 they posted through some other --</p> <p>2 A. Work email.</p> <p>3 Q. And you didn't retain any of those?</p> <p>4 A. Huh-uh.</p> <p>5 Q. Did you keep a calendar when you were at Dykema?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And what was your typical habit in terms of what you would record on your calendar?</p> <p>9 A. That changed over time. On the discovery project I tracked due dates for the various things when documents are done. So that was actually both electronic and I'd keep a hard copy on my desk so that I could highlight it, doc request done. I'd do it in green, you know, sent to opposing counsel. I'd, you know, cross it out with a pen. So I had like a two-method kind of thing going there. On the consumer group project there -- it was -- I used the calendar less because those were prepare the assessments immediately. They came in this morning; they're due now. So I did not waste time calendaring for the same day. So you will see very little on my calendar under the consumer group project because it's immediate. But I still kept it for, you know, if there was -- like for the launch meeting for this consumer group project, that was on my calendar.</p> | <p>1 A. No.</p> <p>2 Q. -- attorneys, members of management about things you had a complaint about?</p> <p>4 A. No. Sue would send the invite, your review's this day, so that would show up on there. But no, I did not use it to journal or -- or -- no.</p> <p>7 Q. All right. So you didn't put anything on your calendar at Dykema other than things that were strictly related to work assignments?</p> <p>10 A. Yes.</p> <p>11 Q. Did you keep any of your hard copy calendars?</p> <p>12 A. No. They would all be on my desk, so they would be there.</p> <p>14 Q. When you were notified of your termination, did you at that point in time take any documents, gather up any documents to take home with you?</p> <p>17 A. Impossible. I was escorted out like a criminal. So impossible.</p> <p>19 Q. Did you at any time from the time of your probation up until the time of your termination go back into the system and look for documents or emails that you forwarded to yourself?</p> <p>23 A. During the probation?</p> <p>24 Q. From the probation forward.</p> <p>25 A. Okay. Before the probation -- I think I've already</p> |
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|--|--|
| <p>1 answered this. Yes, when there would be a false 2 allegation made against me, I would send myself at 3 home so that I could think about it at home and craft 4 my response at home documents to refute these false 5 allegations against me. Like, for example, Chelsea, 6 ridiculous, on my review in '19 said that I didn't 7 understand the urgency of calculations, and I'm like 8 what? So I screen printed my folder called 9 calculations that -- that like how I whipped them off. 10 I mean, I did them constantly. So I sent that to 11 myself. And I sent myself emails where she got the 12 documents in January, sends me the documents in March 13 to do the calculations, and I turn them back to her in 14 24 hours. So who doesn't understand the importance of 15 calculations? It wasn't me that didn't understand the 16 importance of calculations. So those things I sent to 17 myself at home, and I believe you got those.</p> <p>18 Q. All right. Did you at any point in time create any 19 notes or a diary, a journal, doodles, anything to keep 20 track of or memorialize these issues that you had with 21 various attorneys or management at Dykema?</p> <p>22 A. The one rebuttal that I never ended up sending was a 23 pretty in-depth chronicle of what happened. There 24 were some others like when -- again, when some false 25 allegation would be made against me, sometimes I would</p> | <p>1 A. I did not. So you guys have them. I'd like them, 2 too, please. 3 Q. And so that would be an email from Kathy Liebau -- 4 A. To Kathy Liebau. 5 Q. -- to Kathy Liebau? 6 A. Yeah. 7 Q. And the subject would be? 8 A. Whatever the allegation was. I would like just reply 9 to myself and release some steam, so to speak. 10 Q. All right. Is there any other way in which you 11 memorialized events that you had an issue with? 12 A. Other than with my attorney, no. 13 Q. You didn't do anything in handwriting? You didn't 14 like prepare, you know, kind of a substantive 15 description of what had happened -- 16 A. No. 17 Q. -- that you'd email to yourself? 18 A. No. Other than, like I said, the rebuttal is pretty 19 detailed. 20 Q. Why didn't you finish that rebuttal? 21 A. It was so weird, this whole atmosphere of -- and the 22 hostility that I was like this isn't going to do any 23 good, and so I thought it was better to consult 24 counsel. 25 Q. Was that the rebuttal to the 2019 performance review?</p> |
| <p>1 email myself like WTF and -- but I would only send it 2 to myself, but it was like a way to get rid of the 3 shock of what is being said. So . . . But I don't 4 have those at home. They're on my computer. You 5 guys -- I would like them, too, if you find them. So 6 yes, I would journal to alleviate that shock and 7 stress of what was falsely being said about me.</p> <p>8 Q. In what detail would you try to memorialize the things 9 that you considered shocking and false?</p> <p>10 A. Okay. Well, one that comes to mind --</p> <p>11 Q. Did you do something more than WTF?</p> <p>12 A. Sometimes. Sue Choma sends me an email after -- I 13 don't even remember what the reprimand is now. I'd 14 have to go back and look at things to get the dates in 15 order. But she sends me an email going you admitted 16 to taking several short breaks a day, and I email 17 my -- I'm like -- I emailed myself back and I'm like 18 WTF, I said I have to stand up and move my legs every 19 several hours because you can't sit without moving for 20 several hours. So that's going to be on my computer. 21 You're going to find that.</p> <p>22 Q. And that's --</p> <p>23 A. To refute her that I admitted, quote quote, taking 24 several small breaks.</p> <p>25 Q. Did you forward those emails to your home email?</p> | <p>1 A. The probation. 2 Q. To the probation. All right. So you -- how close 3 were you to being finished with the draft that you 4 have on your computer? 5 A. I can't say. I mean, I'd have to go back and read it, 6 I guess. 7 Q. We'll do that later. Let's talk for a moment about 8 your medical history. Have you at any point ever 9 sought counseling for emotional related reasons or 10 mental health? 11 A. No. 12 Q. Have you ever shared with a family physician, 13 internist, somebody that you see for other medical 14 matters issues related to your problems at Dykema? 15 A. No. 16 Q. Have you ever asked a family doctor or internist or 17 any other physician with whom you've sought treatment 18 for any kind of medications to help you deal with 19 stress, anxiety, depression, or sleeplessness that you 20 feel are related to employment issues at Dykema? 21 A. I have not. 22 Q. Have you ever suffered from any form of anxiety, to 23 your knowledge? 24 A. In the last few years, yes. Since this incident has 25 happened, yes.</p> |

13 (Pages 43 to 46)

EXHIBIT 1

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|---|--|
| <p>1 Q. Have you sought any kind of counseling, whether it's 2 with a medical professional or somebody else, to help 3 sort through the issues?</p> <p>4 A. Guide to Meditation through Netflix.</p> <p>5 Q. Anything other than that?</p> <p>6 A. Other than that, no. But it works with some success.</p> <p>7 Q. Have you ever been diagnosed with anxiety?</p> <p>8 A. No.</p> <p>9 Q. Have you ever talked to your family doctor or 10 internist about what you feel is anxiety that you've 11 been suffering from?</p> <p>12 A. I have not talked to them, no.</p> <p>13 Q. Have you ever suffered from depression, to your 14 knowledge?</p> <p>15 A. Only recently.</p> <p>16 Q. All right. And, again, in the same time frame as the 17 anxiety?</p> <p>18 A. Correct.</p> <p>19 Q. Have you ever talked to any professional about what 20 you consider to be depression symptoms?</p> <p>21 A. No.</p> <p>22 Q. Have you ever sought any kind of treatment for it?</p> <p>23 A. No.</p> <p>24 Q. Why not?</p> <p>25 A. I am actually a very -- I perceive myself to be a very</p> | <p>1 years my responsibilities changed and evolved, and I 2 was clearly operating in a paralegal capacity since at 3 least 2005, and, you know, when -- when things are 4 fine, there's no need to turn over rocks that don't 5 need to be turned over.</p> <p>6 Q. All right. So you say 2005 you felt you started to 7 function as a paralegal?</p> <p>8 A. Yes.</p> <p>9 Q. What were you doing at that time?</p> <p>10 A. And I said at least 2005 because before that I had an 11 IT -- IP project that also was not secretarial. So I 12 went from the IP project where I streamlined processes 13 for paying the foreign associates, and that was highly 14 successful, so the success on that I think is why they 15 tapped me for the national discovery work that the 16 client was bringing in, and so it was not secretarial 17 at all. I was doing -- Lori Hagopian was doing the 18 document responses, but I was doing the document 19 requests and the production, and then when they let 20 Lori Hagopian go in 2000 I'm going to say 9, then I 21 also was doing the responses, so I was doing -- there 22 used to be two people doing the job that I did once 23 Lori Hagopian was terminated, so . . .</p> <p>24 Q. All right. So you reported to the office 25 administrator at Bloomfield Hills who was responsible</p> |
| Page 48 | Page 50 |
| <p>1 strong person. I've always been a very positive 2 person. The meditation helps. These issues are real. 3 They're not going to go away with medication. So I am 4 the kind of person that prefers to stay in control of 5 my own self.</p> <p>6 Q. Do you take any form of prescription medication?</p> <p>7 A. None.</p> <p>8 Q. None? Have you ever?</p> <p>9 A. Birth control.</p> <p>10 Q. Okay. Other than that?</p> <p>11 A. Occasional headache. But no. No. Nothing -- not 12 over-the-counter other than birth control.</p> <p>13 Q. All right. And you haven't done anything to help sort 14 through whatever issues you feel you're having since 15 your termination other than use meditation?</p> <p>16 A. Correct.</p> <p>17 Q. All right. So let's go back to your employment at 18 Dykema. You said that your date of hire was back in, 19 what was it, 1985?</p> <p>20 A. Correct.</p> <p>21 Q. All right. And you never bothered to pay attention to 22 what your job classification was? Is that what you're 23 saying?</p> <p>24 A. I knew I was -- I originally was hired at 19 years old 25 as a secretary. So yes. I knew that. But over the</p> | <p>1 for the administrative staff, correct, at all times?</p> <p>2 A. I'm not HR. I -- on a day-to-day basis I reported to 3 Clay Guise.</p> <p>4 Q. Do you know who your supervisor was when you were at 5 Dykema?</p> <p>6 A. Sue Choma is the office administrator.</p> <p>7 Q. At the Bloomfield Hills office; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you reported to her from 2012 through the time of 10 your termination; correct?</p> <p>11 A. Reported. I -- I don't know what you mean by that.</p> <p>12 Q. You did not understand that she was your supervisor 13 and that she was the one responsible for your 14 performance reviews, for reviewing your time cards, 15 for making sure you abided by administrative policies 16 for secretaries? You weren't aware of that?</p> <p>17 A. She -- she was the person that administered the annual 18 reviews. She was the office administrator. But Sue 19 had very little knowledge on what I did on a 20 day-to-day basis. I reported to Clay.</p> <p>21 Q. Do you know who was responsible for managing the 22 paralegals?</p> <p>23 A. I do. But I've got --</p> <p>24 Q. And what's her name? April?</p> <p>25 A. And Sarah Staup. Okay. However, you gotta back up</p> |

14 (Pages 47 to 50)

EXHIBIT 1

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| Page 51 | Page 53 |
|---|---|
| <p>1 because unbeknownst to me, Sue Choma was in charge of 2 a new classification of staff paralegal that she was 3 in charge of paralegals. 4 Q. Where did you acquire that understanding? 5 A. Oh, with her lovely response when I asked Clay to move 6 me over to Sarah and April's group. So -- 7 Q. When did you ask if she would move you from her group, 8 which was devoted to administrative personnel, over to 9 April and -- April's group? 10 A. I don't think that -- again, I'm not HR, but I -- I 11 don't think that I said -- I don't know what Sue does. 12 Okay? But she did say that she's in charge of staff 13 paralegals. It was -- it was after the probation. I 14 was -- I got Chelsea's age bias on this side and I got 15 Sue on this side, and it was so incredibly hostile 16 that I was like, "Clay, can you move me over to Sarah 17 and April's group?" And Clay was -- seemed okay with 18 it, but apparently . . . 19 Q. When did you talk to Clay about being moved to April 20 and Sarah's group so that you would be with the -- in 21 the paralegal realm as opposed to the administrative 22 assistant? 23 A. This conversation where Sue sent me the nastygram 24 after that was -- it was in May after the probation. 25 Q. May 2019 is when --</p> | <p>1 Q. You never applied for a paralegal opening, did you, or 2 a staff paralegal opening? 3 A. I was tapped to do different projects. Kathy, we've 4 got a project, can you come on in on it. 5 Q. That's not my question. My question is you never 6 applied to become a paralegal or a staff paralegal, 7 did you? 8 A. I was already working as one, so no. 9 Q. Did you ever inquire what the qualifications were to 10 be classified as a paralegal at Dykema? 11 A. Okay. I was there since 1985, so back in 1985 and for 12 many years they were called -- paralegals were called 13 legal specialists, and there were legal specialists 14 that didn't have the degree. Adrian Schneider was 15 one. I don't think you've been around that long. But 16 when they went to paralegal, it was my understanding 17 you had to have the degree, that they would not bestow 18 upon anyone that paralegal title without the degree. 19 However -- well, that is why actually I was called a 20 project administrator, because they wouldn't bestow 21 that title on me without the degree. It came to be 22 known to me after May 2019 that the staff paralegal 23 existed and that there were staff paralegals without 24 the paralegal degree, including Diane Guerrero, who 25 was a work friend of mine. So did I apply for one?</p> |
| Page 52 | Page 54 |
| <p>1 A. Correct. 2 Q. -- you asked Clay -- 3 A. To move me, yes. 4 Q. -- to move you to -- over into -- 5 A. To Sarah and April's. 6 Q. -- the paralegal realm? And what did he tell you? 7 A. He said he would talk to Sue. And I actually said, 8 "Why is it up to Sue?" 9 Q. All right. So you understood you reported to Sue; 10 correct? 11 A. Not on a day-to-day. 12 Q. You understood that she was your supervisor for 13 purposes of your performance review, making sure you 14 abided by policy related to the administrative staff, 15 reviewing your timekeeping practices, reviewing your 16 schedule to make sure you were adhering to the 17 schedule for administrative employees? All those 18 things were the responsibility of Sue Choma in terms 19 of supervising you; correct? 20 A. I knew that Sue Choma was the office manager, yes. I 21 knew that. Yes. 22 Q. And you knew that she was responsible for the 23 administrative staff? 24 A. That's not my job. I don't know who she was 25 responsible for.</p> | <p>1 No. Because I was already working as one. Did the 2 firm give me the title -- once they changed their 3 policy, did they bestow that title on me? They did -- 4 they failed to do that. But I was -- the project 5 administrator set me apart from secretarial, and it 6 was good enough it worked. 7 Q. When did the title legal specialist change and become 8 paralegal? 9 A. I couldn't tell you. I'm going to have to guess, but 10 I would say -- okay. So it came about because there 11 was confusion outside of the firm that someone called 12 a legal specialist might be an attorney, so there was 13 this whole -- and it was kind of with the advent of 14 all the emails and everything, so I'm going to say 15 around 2000, so I don't know. Maybe it was later than 16 that. You guys would know better. You have access to 17 Dykema's records on when they switched that over. But 18 it was because they didn't want anyone outside of the 19 firm to confuse a non-attorney with an attorney, which 20 is why I had to have some title, which is why I was 21 given project administrator, so the exact timing you 22 guys would know better than I would. 23 Q. You actually requested that you be reclassified as a 24 legal specialist; correct? 25 A. Legal assistant.</p> |

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EXHIBIT 1

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| Page 55 | Page 57 |
|---|--|
| <p>1 Q. What's the difference between legal assistant in your 2 view and legal specialist?</p> <p>3 A. Zero. But at the time that I requested it, I still 4 thought the firm required the degree for the paralegal 5 title. I still thought that was true. I found out 6 after that -- so I said, well, then call me a legal -- 7 legal assistant, but I found out after that that they 8 did bestow it on people without the paralegal degree, 9 including Diane, there may be others, I don't know, so 10 I -- I was still under the antiquated idea that the 11 degree was required to have the title, but that's not 12 true, so . . .</p> <p>13 Q. All right. Let me go back. So you requested that 14 your classification be changed from legal secretary to 15 legal assistant?</p> <p>16 A. Correct.</p> <p>17 Q. When was that and who did you make that request of?</p> <p>18 A. Well, which -- okay. That would be May of 2019. In 19 August of 2017 when Sue unilaterally changed me back 20 to legal secretary, I protested and I said, you know, 21 this is still a project, so let me keep project 22 administration or let me be a legal assistant, and Sue 23 said you're in a gray area.</p> <p>24 Q. So you're talking about when the project that you 25 worked with Clay Guise on phased out, that time frame?</p> | <p>1 Q. In addition to what other things?</p> <p>2 A. The work that I was doing.</p> <p>3 Q. The firm never gave you that title for internal 4 purposes; correct?</p> <p>5 A. Kathleen Horchler is a partner of the firm, so yes, 6 I -- yes, I did.</p> <p>7 Q. What do you claim she said to you in writing or 8 verbally that gave you the impression that that was a 9 title change within the firm as opposed to simply 10 being a title used for external purposes?</p> <p>11 A. I don't see the distinction, and I don't know what 12 you're looking for there. I don't know what you would 13 want me to say.</p> <p>14 Q. What did she say to you about that title? What were 15 the communications?</p> <p>16 A. We all have to have titles under our names now. What 17 should we call me? And --</p> <p>18 Q. Did she say why you had to have titles under your 19 name? So that outsiders would know that you're not a 20 lawyer?</p> <p>21 A. Correct.</p> <p>22 Q. All right. What's Kathleen's last name again?</p> <p>23 A. Horchler.</p> <p>24 Q. Could you spell it?</p> <p>25 A. It's spelled oddly, and this was back in 2005,</p> |
| Page 56 | Page 58 |
| <p>1 A. It was -- it was after that project phased out that 2 Sue unilaterally changed my title without even telling 3 me. I -- yeah. I saw -- I copied myself on the email 4 and saw she had changed it.</p> <p>5 Q. Let's go back to this alleged project administration 6 or administrator. What was it? What are you claiming 7 was your title?</p> <p>8 A. It actually was project administration, but 9 administrator is fine.</p> <p>10 Q. All right. So who do you claim gave you that title?</p> <p>11 A. Kathleen Horchler.</p> <p>12 Q. Who is she?</p> <p>13 A. She was the partner in charge before Clay came on 14 board.</p> <p>15 Q. And do you have any documentation that confirms that 16 you were actually told that was your title as opposed 17 to it being a descriptor of what you were doing at a 18 point in time when you were working for her?</p> <p>19 A. We had to have our titles under our names on all 20 emails so that we weren't mistaken as attorneys by 21 anyone outside of the firm.</p> <p>22 Q. All right. So that was a title that was used for 23 purposes of communications with people outside the 24 firm?</p> <p>25 A. In addition to the other things, yes.</p> | <p>1 so . . . H-O-E-R-C-H-L-E-R or something like that. I 2 don't really recall.</p> <p>3 Q. So in 2005 you started putting on your signature line 4 this title when you emailed people outside the firm; 5 correct?</p> <p>6 A. Correct. Well, it's automatic. It like goes.</p> <p>7 Q. Was there ever any written communication that 8 recognizes that title for internal purposes at the 9 firm?</p> <p>10 A. I believe Sue had to approve it for the IT department 11 to attach it to my emails.</p> <p>12 Q. What do you base that on? Just an assumption?</p> <p>13 A. No. She had to. It might be in my garage stuff.</p> <p>14 Q. Well, we need to see your garage stuff.</p> <p>15 A. Yeah. I mean, the reason I didn't go dig out there is 16 because it's old stuff, so I thought, well, there's 17 nothing relevant to these issues in that old stuff, 18 but if that's relevant, that might be out there.</p> <p>19 Q. All right. So did you use this title on your email 20 for outside communication purposes from 2005 up until 21 the phaseout of the project that you worked on with 22 Clay Guise?</p> <p>23 A. Up until Sue unilaterally changed it in August of 24 2017.</p> <p>25 Q. All right. And that's what you call a demotion is</p> |

16 (Pages 55 to 58)

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| Page 59 | Page 61 |
|---|---|
| <p>1 when Sue told you that you -- when you were no 2 longer -- when there was no longer work available on 3 the Clay Guise project that you had to find another 4 position within the firm if you were going to remain 5 employed? And you considered that to have been a 6 demotion when --</p> <p>7 A. Yeah. She didn't use the words that you used, but 8 yes. There's nothing wrong with being a legal 9 secretary. There's nothing wrong with that. But she 10 tells me to go get my own work but I'm going to give 11 you a secretary title. Okay. Well, people who don't 12 know me, how are they going to give me -- allow me to 13 draft their responses with the secretary's title. It 14 actually inhibited me being able to reinvent myself 15 and go and find new work. And if I was a secretary, 16 she would assign me somewhere. She doesn't assign me 17 somewhere. She told me to go find my own work, which 18 is what a paralegal does. And I did, in fact, find my 19 own work. I got a new project. So . . .</p> <p>20 Q. You're referring to the project with Chelsea Larsen?</p> <p>21 A. That Clay Guise pulled me in on, yes.</p> <p>22 Q. Okay. All right. So let's go back to another title 23 change. You started with the title of legal 24 secretary; correct?</p> <p>25 A. Correct.</p> | <p>1 Q. Why do you say no need? 2 A. The work was being done. The projects were moving 3 smoothly. I was getting raises. I was general -- I 4 mean, everyone wants to be paid more, but I was 5 generally satisfied with my compensation. I was -- 6 there was -- there was no need to turn over rocks that 7 didn't need to be turned over, so . . .</p> <p>8 Q. So it wasn't important to you to be classified as a 9 staff paralegal or paralegal or whatever the term was 10 for that classification?</p> <p>11 A. I thought I was. I -- I thought -- I believed that I 12 was.</p> <p>13 Q. So you thought that just doing paralegal type work was 14 good enough even though you were an administrative 15 assistant reporting to the office manager responsible 16 for administrative assistants?</p> <p>17 A. I wasn't an administrative assistant, so no.</p> <p>18 Q. All right. You reported to Carol Lally, correct, 19 before Sue?</p> <p>20 A. She was the office manager before Sue, yes.</p> <p>21 Q. All right. And at all times while you were at Dykema 22 you reported either to Carol or to Sue; correct?</p> <p>23 A. No. There were people before that. I can't tell you 24 their names.</p> <p>25 Q. Before Carol?</p> |
| <p style="text-align: center;">Page 60</p> <p>1 Q. And then you know that your title internally for under 2 the firm's system changed to administrative assistant?</p> <p>3 A. At some point, yes.</p> <p>4 Q. Okay. And that was a change that occurred across the 5 board? All legal secretaries assumed the title of 6 administrative assistant when that change was made?</p> <p>7 A. I believe so, yes.</p> <p>8 Q. All right. Do you have any complaint about that 9 change?</p> <p>10 A. Actually yes. A lot of us did. Because there's 11 administrative assistants that work for insurance 12 companies or lumber companies, and we felt that it was 13 slightly degrading to take the legal out of it. A 14 legal secretary was always a bit more than your lumber 15 company secretary. We had quite a bit more 16 responsibility than that. So we -- all of us felt it 17 was a bit degrading.</p> <p>18 Q. But all of you were treated the same in terms of the 19 title change; correct?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So when you saw yourself and thought of 22 yourself as a project administrator, did you ever talk 23 with anyone in administration about a title -- or 24 about a classification change within Dykema?</p> <p>25 A. No need.</p> | <p style="text-align: center;">Page 62</p> <p>1 A. Yeah. Yeah. Carol came from Florida. Yeah. 2 There -- I've been there 34 years eight months, so 3 there were a lot.</p> <p>4 Q. When did you start reporting to Carol?</p> <p>5 A. When she arrived in Bloomfield.</p> <p>6 Q. So the last two direct supervisors were Carol Lally 7 and then Sue Choma?</p> <p>8 A. They were the office managers. Correct.</p> <p>9 Q. And they were the people responsible for supervising 10 you with respect to everything other than particular 11 work assignments that you were handling on a 12 day-to-day basis?</p> <p>13 A. They were the office managers, yes.</p> <p>14 MS. HARDY: All right. So let's take a 15 short break and then be back in five minutes. 16 (Recess taken at 2:28 p.m.) 17 (Back on the record at 2:49 p.m.)</p> <p>18 BY MS. HARDY:</p> <p>19 Q. I need to go back to the effort you made to locate all 20 electronic documents that are responsive to 21 defendant's document request. You testified that 22 starting in January 2018 you started sending emails to 23 yourself every time you felt that there's something 24 problematic happening at work.</p> <p>25 A. Not every time, but yes.</p> |

17 (Pages 59 to 62)

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| Page 63 | Page 65 |
|---|--|
| <p>1 Q. Everything significant?</p> <p>2 A. Yeah. I mean, starting -- yes. When -- yes.</p> <p>3 Q. All right. And that you stored those on your computer, on your home computer?</p> <p>4 A. Correct.</p> <p>5 Q. All right. Did you store them in a desktop file?</p> <p>6 A. No. It was email pretty much. I mean, they'd be attachments.</p> <p>7 Q. Did you make a Gmail file? Did you have a desktop file or did you --</p> <p>8 A. Gmail file.</p> <p>9 Q. Gmail file. That was then a place that you moved all these emails to?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And you still have that file; correct?</p> <p>12 A. Correct.</p> <p>13 Q. And that's on your email system, on your Gmail system?</p> <p>14 A. Correct.</p> <p>15 Q. All right. And so don't delete anything from there.</p> <p>16 A. Okay. Yeah. I wouldn't.</p> <p>17 Q. All right. And that contains everything from January '18 through your termination?</p> <p>18 A. Yes.</p> <p>19 Q. All right. And did all of those documents get moved into the Sterling file when you created the Sterling</p> | <p>1 file.</p> <p>2 Q. So the emails were all individually in your inbox?</p> <p>3 A. Yes. Until I created the Sterling file and then I moved them all over.</p> <p>4 Q. How did you go about identifying all those emails to get them into the Sterling file?</p> <p>5 A. I think I answered this, but they would be from Kliebau@dykema.com.</p> <p>6 Q. Well, did you do a search?</p> <p>7 A. There weren't that many. Again, I don't keep 5,000 emails in my inbox. I delete garbage right away, and so anything from Kliebau@dykema was Dykema related and so I moved it over.</p> <p>8 Q. Did you just scroll through your entire inbox and then pick them individually and move them over or did you do a search to pull --</p> <p>9 A. You're saying the entire inbox like I have 5,000. I didn't have 5,000. So yes, I went through my entire inbox and moved them over.</p> <p>10 Q. How many emails did you have in your inbox at the time? Just give me an approximation.</p> <p>11 A. I couldn't tell you. I mean, now I only have 20 in my inbox. Like not Dykema. At that time before I moved them to a file, I don't know, I don't know, 50.</p> <p>12 Q. Did you ever delete any of the emails that you sent</p> |
| Page 64 | Page 66 |
| <p>1 file?</p> <p>2 A. Yes. They went from my email inbox. If you want me to reiterate it. But right. So first they stayed in my inbox, but once I contacted counsel and this wasn't resolving, I tidied it up and labeled the file Sterling and -- and moved everything over there.</p> <p>3 Q. All right. So to find all these emails that you sent to yourself from the firm starting in January '18, one could go to your inbox, one could go to your Gmail file, or one could go to the Sterling file? Those are the three places where they would be stored electronically?</p> <p>4 A. The Sterling file and the inbox file are the same thing. Okay. So like on your Gmail, you know, you got your regular inbox, and then by default off to the side it's got like whatever, promotions, whatever. It gives you some files. Well, I make my own and, you know, like I said, I have one for Kate, for my daughter, so her stuff goes in there, and the one I labeled Sterling, everything Dykema related went in there.</p> <p>5 Q. So the Gmail file that you had up until the time you created the Sterling file, is that still there independent of the Sterling file?</p> <p>6 A. They were in my inbox before I created the Sterling</p> | <p>1 from January 2018 up through the time of your termination?</p> <p>2 A. No. Because I might need them.</p> <p>3 Q. Okay. Good. How many were there? I mean, we're talking about dozens or . . . ?</p> <p>4 A. You've got them. I don't know.</p> <p>5 Q. Tell me what you recall.</p> <p>6 A. I would say 20 maybe. I'm totally guessing here, though.</p> <p>7 Q. In that range? I mean, 15, 20, 22?</p> <p>8 A. Not voluminous. I mean, certainly not voluminous.</p> <p>9 Q. But 20 is a --</p> <p>10 A. A guess.</p> <p>11 Q. -- reasonable estimation?</p> <p>12 A. Yeah. Yeah. A manageable amount. It's not like it's tons.</p> <p>13 Q. Did you review all the documents that were produced to Dykema before they were produced to make sure that the production was complete at least in terms of all your electronic documents?</p> <p>14 A. Like -- I gave what I had to my counsel and they took it from there.</p> <p>15 Q. All right. So you gave -- turned them over to your counsel, but you didn't look to see --</p> <p>16 A. Like, again, no.</p> |

18 (Pages 63 to 66)

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|---|---|
| <p>1 Q. -- what your counsel was producing? All right.</p> <p>2 Where did you acquire the understanding</p> <p>3 that there was a staff paralegal classification that</p> <p>4 reported to Sue Choma?</p> <p>5 A. When Sue Choma said, "You report to me. If you think</p> <p>6 that you can be a staff paralegal which also reports</p> <p>7 to me, then apply for something on the digest."</p> <p>8 Q. When did that conversation allegedly occur?</p> <p>9 A. After I asked Clay to move me over to Sarah and</p> <p>10 April's group.</p> <p>11 Q. All right. And that was after the probation in May</p> <p>12 '19?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know anyone who was classified as a staff</p> <p>15 paralegal?</p> <p>16 A. Diane Guerrero.</p> <p>17 Q. How do you know that she has that particular</p> <p>18 classification?</p> <p>19 A. I guess two ways. First I know her. We've been work</p> <p>20 friends for 20 years or whatever. And when we went</p> <p>21 to -- which system was it? We did some training on</p> <p>22 a -- on a new system, and I honestly can't remember</p> <p>23 what it was, but when we had to sign in, she signed in</p> <p>24 staff paralegal and I signed in project administrator,</p> <p>25 and another woman, Chris Sylvester, signed in with</p> | <p>1 And I said, "Well, keep me in mind."</p> <p>2 Q. All right. So Diane is the woman that you claim has a</p> <p>3 staff paralegal --</p> <p>4 A. Title.</p> <p>5 Q. -- title or classification?</p> <p>6 A. To me they're one and the same.</p> <p>7 Q. But does not have a degree?</p> <p>8 A. Correct. I think she's a master gardener. She has a</p> <p>9 degree in master gardening.</p> <p>10 Q. Do you know where she acquired the understanding that</p> <p>11 her title was staff paralegal?</p> <p>12 A. No.</p> <p>13 Q. Did you ever ask her?</p> <p>14 A. No.</p> <p>15 Q. Have you ever discussed the issue with her? Like when</p> <p>16 did you become staff paralegal? What is that title?</p> <p>17 That's new. Who do you report to?</p> <p>18 A. No.</p> <p>19 Q. Did you ask her what do you do that's paralegal like?</p> <p>20 Anything like that?</p> <p>21 A. I asked her what she did, but honestly I don't</p> <p>22 remember her -- this was after, you know, Sue actually</p> <p>23 pointed me toward her to see if she needed help. I --</p> <p>24 gosh, what was she doing? I don't -- I don't</p> <p>25 remember.</p> |
| Page 68 | Page 70 |
| <p>1 another unique title, and so we just kind of laughed.</p> <p>2 We're like oh -- and even the instructor -- what's her</p> <p>3 name? Her last name's Belizi (ph) or something. She</p> <p>4 just laughed. She goes, "Oh, we've got a lot of</p> <p>5 unique ones here." So . . .</p> <p>6 Q. What do you mean sign in?</p> <p>7 A. For the training you have to sign in that you took the</p> <p>8 training.</p> <p>9 Q. You're putting down your name and putting down your --</p> <p>10 what you think your title is?</p> <p>11 A. Right. Right. Right. Right.</p> <p>12 Q. It's not anything in the computer system?</p> <p>13 A. No. No. But yeah. We noticed that we all had unique</p> <p>14 titles.</p> <p>15 Q. Did you ever discuss with Diane whether or not this</p> <p>16 was her title and if so when it became her title?</p> <p>17 A. I didn't need to ask her what her title is. She</p> <p>18 signed in on that. But when Sue Choma -- can you tell</p> <p>19 my disdain? But told me to go reinvent myself and</p> <p>20 introduce myself around the office and bring doughnuts</p> <p>21 and she said and then -- she said -- she specifically</p> <p>22 said, "Why don't you go see if Diane needs some help."</p> <p>23 And so I went and talked to Diane and said,</p> <p>24 "Do you need help?"</p> <p>25 And she said, "No."</p> | <p>1 Q. All right.</p> <p>2 A. She didn't need much -- she didn't need any help. I</p> <p>3 told her to keep me in mind, so . . .</p> <p>4 Q. What is the automotive industry group, to your</p> <p>5 understanding? Where does that expression come from?</p> <p>6 A. I think it's been thrown around in our group.</p> <p>7 Q. Have you ever seen that in a document, any particular</p> <p>8 group referred to as the automotive industry group?</p> <p>9 A. Actually I think on the -- the agenda for the</p> <p>10 January 20 -- no, that was 2019 meeting, we had a meet</p> <p>11 and greet with our -- our client, and I think that was</p> <p>12 the title of it, and it said Kathy Liebau, paralegal,</p> <p>13 responsible for case assessments. So I believe it's</p> <p>14 on that document.</p> <p>15 Q. What do you think the automotive industry group</p> <p>16 consists of?</p> <p>17 A. People-wise or what we do?</p> <p>18 Q. Well, let's take -- within the firm. Who's a member</p> <p>19 of that group, to your understanding?</p> <p>20 A. Jim Feeney is the big guy and then Clay and Dave</p> <p>21 George.</p> <p>22 Q. All right. So you're just referring to loosely people</p> <p>23 who do work related to automotive clients?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. It's not a formal group? It's just that</p> |

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|--|---|
| <p>1 there's a lot of people at Dykema that do work for 2 automotive clients and that's the group you're 3 referring to?</p> <p>4 A. I -- well, you say it's not a formal group. I think 5 it -- it's quasi formal. You know, you have people 6 in -- it's a big firm. So yeah. I mean, I think 7 there might even be a little directory of those 8 involved in the automotive industry group. And -- and 9 names evolve over time.</p> <p>10 Q. Does anything link them together other than the fact 11 that they provide legal services to clients in the 12 automotive industry?</p> <p>13 A. I would say providing services is a link. Yeah. Did 14 they all go to the same college? No. Did they -- 15 nothing like that.</p> <p>16 Q. All right. Let's switch gears. You became 50 in 17 October 2015?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And they had a celebration for you at the firm?</p> <p>20 A. If you call it that.</p> <p>21 Q. Okay. Do you know who organized it?</p> <p>22 A. Chelsea Larsen.</p> <p>23 Q. How do you know that?</p> <p>24 A. Because she laughed and said, "Look what we did," and 25 it was her wheelchair and -- yeah. I mean, your use</p> | <p>1 Q. So you went to her 60th?</p> <p>2 A. I don't know what birthday -- yeah, it must be. She's 3 older than me. It must be her 60th.</p> <p>4 Q. Okay. And what was different about Shannon's versus 5 yours?</p> <p>6 A. She got a tiara, flowers, like, you know, royal crown 7 kind of thing. So yeah.</p> <p>8 Q. Did you think her celebration was fun?</p> <p>9 A. I mean, you're calling them celebrations like they're 10 hourlong parties.</p> <p>11 Q. Recognition event. Is that --</p> <p>12 A. Did I think it was fun? I think I should be there 13 since we've worked on the same projects, so, I mean, 14 yeah --</p> <p>15 Q. Was there anything inappropriate about the event 16 recognizing Shannon Stewart's 60th birthday?</p> <p>17 A. I -- I thought it contrasted sharply with the way mine 18 was recognized.</p> <p>19 Q. Did you think there was anything inappropriate about 20 Shannon's?</p> <p>21 A. A tiara. I guess not. Flowers. No.</p> <p>22 Q. Anything else?</p> <p>23 A. I don't think so.</p> <p>24 Q. Did you have any problem with the fact that she was in 25 a wheelchair and they were taking photos of her?</p> |
| Page 72 | Page 74 |
| <p>1 of the word "celebration" I'm going to take exception 2 to that. It wasn't very much fun for me, so . . .</p> <p>3 Q. Well, it was a milestone birthday?</p> <p>4 A. Indeed.</p> <p>5 Q. Right. And they wanted to recognize it? You don't 6 disagree with that, do you?</p> <p>7 A. No.</p> <p>8 Q. Okay. As they have for many other employees?</p> <p>9 A. But not like that.</p> <p>10 Q. Was there something different about yours versus 11 others?</p> <p>12 A. Very much so.</p> <p>13 Q. What was different about it?</p> <p>14 A. Birthday celebrations happen regularly and it's 15 usually cookies, doughnuts, balloons, flowers. This 16 was the first and only time I had ever witnessed adult 17 diapers and pill bottles and replacing your chair with 18 a wheelchair and -- I had never witnessed one like 19 that before.</p> <p>20 Q. Have you ever been to a celebration of any other 21 employee's milestone birthday at Dykema?</p> <p>22 A. Yes.</p> <p>23 Q. Whose?</p> <p>24 A. Shannon. She is the secretary -- or the 25 administrative assistant on the project.</p> | <p>1 A. I --</p> <p>2 Q. Didn't bother you?</p> <p>3 A. Well, actually now that you say that, I -- that was 4 the same wheelchair because I said great, store it 5 here now, but it didn't. It ended up back at my desk.</p> <p>6 Q. It would have been okay if it stayed at Shannon's desk 7 but you didn't want it at yours?</p> <p>8 A. Yeah. I didn't want it at mine.</p> <p>9 Q. But it was okay if it was at Shannon's?</p> <p>10 A. Well, maybe she would have had better luck in getting 11 them to store it somewhere else. Why did it end up 12 back at my desk? She used it last.</p> <p>13 Q. How long had the wheelchair been at the firm?</p> <p>14 A. Chelsea Larsen said she borrowed it from her church 15 when she replaced my chair with the wheelchair. So it 16 doesn't even belong to the firm apparently. It 17 belongs to Chelsea Larsen.</p> <p>18 Q. Well, Shannon's about six years older than you; right?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you have any idea what her age is? You just know 21 she's older?</p> <p>22 A. You just said 60. Yeah. I mean, she's a couple years 23 older.</p> <p>24 Q. Okay. But the wheelchair that they used as a prop for 25 her celebration was the same wheelchair used for</p> |

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|---|---|
| <p>1 yours?</p> <p>2 A. Yes, it was.</p> <p>3 Q. Okay. So it had been at the firm several years before</p> <p>4 your celebration?</p> <p>5 A. No. No. No.</p> <p>6 Q. Oh, it was your celebration first?</p> <p>7 A. Correct.</p> <p>8 Q. Oh, okay. All right. So describe everything you</p> <p>9 recall about the event recognizing your 50th birthday</p> <p>10 at the firm.</p> <p>11 A. Got into work to a decorated desk.</p> <p>12 Q. What was on the desk?</p> <p>13 A. Adult diapers, pill -- those, you know, weekly pill</p> <p>14 bottle things, Skittles, like to represent pills</p> <p>15 apparently, the wheelchair. I think there was black</p> <p>16 crepe paper. And I think that's it.</p> <p>17 Q. And that was all there when you arrived?</p> <p>18 A. Correct.</p> <p>19 Q. All right. And when did people gather for the</p> <p>20 celebration part of the event?</p> <p>21 A. Morning, I guess.</p> <p>22 Q. How much after your arrival?</p> <p>23 A. Hour.</p> <p>24 Q. Did you talk to anyone when you arrived about what</p> <p>25 they'd done to decorate, even though it was a spoof,</p> | <p>1 A. I don't think so.</p> <p>2 Q. Were there any kind of treats, like a cake or</p> <p>3 cupcakes?</p> <p>4 A. I think there were cookies.</p> <p>5 Q. Cookies?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. Any flowers?</p> <p>8 A. No.</p> <p>9 Q. And so when you arrived, Chelsea and who else comes</p> <p>10 over?</p> <p>11 A. I believe Shannon.</p> <p>12 Q. All right. And you called them black -- or evil</p> <p>13 fairies?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And what tone of voice did you use?</p> <p>16 A. I mean, trying to be a good sport. So I was like,</p> <p>17 "You evil fairies."</p> <p>18 Q. Okay. What did they say?</p> <p>19 A. Ha ha ha ha.</p> <p>20 Q. Anything else in terms of your exchange?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Was there a gathering of more people at any point in</p> <p>23 time when, you know --</p> <p>24 A. There -- because -- yes. Because Chelsea said send</p> <p>25 out an email and tell them to come get a cookie, so</p> |
| Page 76 | Page 78 |
| <p>1 your desk?</p> <p>2 A. I called them evil fairies. I mean --</p> <p>3 Q. Who did you call an evil fairy?</p> <p>4 A. Chelsea and Shannon.</p> <p>5 Q. Did you know that they were going to decorate your</p> <p>6 desk and plan some kind of celebration?</p> <p>7 A. No. No.</p> <p>8 Q. So how did you know who had done that if you didn't</p> <p>9 know anything about it in advance?</p> <p>10 A. You're making me guess because I don't recall. I</p> <p>11 think they came like over. Like when I walked in and</p> <p>12 like I think they --</p> <p>13 Q. So they didn't wait an hour to come over? They came</p> <p>14 right away?</p> <p>15 A. Well, other people came over in like an hour to --</p> <p>16 Q. To actually have a --</p> <p>17 A. Saying, oh, I didn't know you were 50, I would have</p> <p>18 never guessed you were 50.</p> <p>19 Q. Were there anything other than the diapers, pill</p> <p>20 bottles, Skittles, and wheelchair and black crepe?</p> <p>21 A. I'll think about it, but not that I'm recalling at the</p> <p>22 moment.</p> <p>23 Q. Okay. So was there a birthday card?</p> <p>24 A. No.</p> <p>25 Q. Anyone sing happy birthday?</p> | <p>1 that's right. I do remember that. So --</p> <p>2 Q. So did people just come over kind of one at a time --</p> <p>3 A. I think so.</p> <p>4 Q. -- or did they come as a group?</p> <p>5 A. I think it was one at a time because I remember the</p> <p>6 group of the four younger associates that were really</p> <p>7 showering me with the compliments was -- was pretty</p> <p>8 humiliating and it was just the four of them, so yeah.</p> <p>9 I think people were kind of coming and going kind of</p> <p>10 thing.</p> <p>11 Q. How did you feel about becoming 50? Was it a --</p> <p>12 A. Actually fine. I mean -- I'm in good shape. I mean,</p> <p>13 I'm fine with it.</p> <p>14 Q. So you weren't like going through a tough time? You</p> <p>15 didn't have any particular hang-ups about it?</p> <p>16 A. Not until everyone kept going I can't believe you're</p> <p>17 50, wow, I would have never guessed you're 50. And</p> <p>18 then also after that I was --</p> <p>19 Q. Wait a minute. Don't you take that as a compliment, I</p> <p>20 never would have guessed you're 50?</p> <p>21 A. Well, but then I was treated differently after that.</p> <p>22 You know, like there's -- you know, as in any office,</p> <p>23 there's like little cliques or whatever, so -- like I</p> <p>24 wasn't in a clique anymore. Like, you know, yeah. I</p> <p>25 think I was treated differently after that.</p> |

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|---|---|
| <p>1 Q. What clique were you in before you turned 50 that you 2 were excluded from after?</p> <p>3 A. I might -- I think I misspoke on clique. But the Sara 4 Corbello thing just really hurt. So I was working 5 with her on a general products case, and we were very 6 friendly, very, you know -- you know, she was 7 pregnant, so, you know, talking about, you know, some 8 home stuff in addition to work, and things just got 9 colder after -- after that.</p> <p>10 Q. Who got colder?</p> <p>11 A. The -- the chitchat from Sara.</p> <p>12 Q. And who's Sara?</p> <p>13 A. Sara Corbello. She was an associate that was working 14 on general products with me.</p> <p>15 Q. You said a moment ago that this Sara thing just really 16 hurt. What are you referring to?</p> <p>17 A. Well, that I would have never guessed you were 50 and 18 then the change, so it did hurt.</p> <p>19 Q. What was the change?</p> <p>20 A. Didn't I just answer that?</p> <p>21 Q. No. You said the chitchat --</p> <p>22 A. The way we used to kibitz more, and then after -- 23 after that party like the kibitzing kind of stopped.</p> <p>24 Q. Describe the kibitzing before versus the lack of kibitzing or whatever the change was after.</p> | <p>1 Q. Can you think of anyone other than Chelsea and 2 Shannon?</p> <p>3 A. I mean, certainly Jeannie Maison. I think Dave Dell 4 grabbed a cookie. Diane Chemke (ph) grabbed a cookie, 5 Patty.</p> <p>6 Q. Clay?</p> <p>7 A. Sherry Medley, Clay. I mean, and I'm actually just 8 guessing. I'm just -- you know, from people that I 9 had been friendly with for years and years. Usually 10 people that you're friendly with you stop by on their 11 birthday.</p> <p>12 Q. Right. And they stopped by, said happy birthday; 13 correct?</p> <p>14 A. Right. Right.</p> <p>15 Q. Got a cookie?</p> <p>16 A. Right.</p> <p>17 Q. Chatted for a few minutes?</p> <p>18 A. Right.</p> <p>19 Q. Went back to work?</p> <p>20 A. Right. So it was really that group of the four 21 younger associates that was the more painful thing 22 where they just showered me with compliments, quote quote, you know, so that was the painful part.</p> <p>24 Q. Who are the four?</p> <p>25 A. So Sara, Erin Katz. Who were the other two? I think</p> |
| <p style="text-align: center;">Page 80</p> <p>1 A. You are talking 2015, so we are talking seven years 2 ago now. I -- and that was never top -- on top of my 3 mind. It was just a source of hurt. I can't verbatim 4 give you a conversation with me and Sara on that.</p> <p>5 Q. Did you ever ask Sara like I sense a kind of change in 6 our friendship and the amount of interaction, 7 what's --</p> <p>8 A. She left the firm shortly thereafter, so I guess the 9 point was moot.</p> <p>10 Q. Well, how long was she there after your 50th birthday 11 celebration?</p> <p>12 A. Four months.</p> <p>13 Q. And so in that four-month period you were really hurt 14 by a change in the amount of kibitzing with Sara?</p> <p>15 A. It's overall feeling of -- of inclusion, so . . .</p> <p>16 Q. And you can't be more specific about what changed --</p> <p>17 A. Yeah. I mean, I don't have a problem with Sara. I 18 don't have a problem with Sara. She's not the one who 19 instigated this and, you know, so . . .</p> <p>20 Q. So let's go back to the event, the celebration. Who 21 came to your desk and was a part of it at some point 22 during the day other than Chelsea and Shannon?</p> <p>23 A. I'm -- I would be guessing, but, I mean, I had been -- 24 I had been at the firm, you know, for quite some time, so, I mean, quite a few people stopped by.</p> | <p style="text-align: center;">Page 82</p> <p>1 they're both gone now. Two other younger associates.</p> <p>2 Q. So what offended you was the -- what Sara, Erin, and 3 these other two associates said that --</p> <p>4 A. But you have to understand they weren't saying it in a 5 mean way, but when you are being showered with -- so 6 right. I didn't see myself as old and now I'm being 7 showered with, oh, my God, you really are old. Like I 8 never knew you were 50. So, yes. It just --</p> <p>9 Q. All right. So that comment you attribute to Sara?</p> <p>10 A. You can't hold me to this. This is 2015. It's years. 11 It was one of the four. They said I would have never 12 guessed you're that old, you don't look that old. I 13 can't attribute which was said by which person. And 14 it was kind of a barrage with the four of them, you 15 know, and I just like (nonverbal).</p> <p>16 Q. Did Chelsea say anything that you considered offensive 17 or concerning or sensitive in connection with your 18 50th birthday?</p> <p>19 A. Yeah. "Are you going to retire now?"</p> <p>20 Q. This was at the time when she was around your desk and 21 they're having this recognition of your birthday?</p> <p>22 A. I can't say if it was then, the next day. I don't 23 recall.</p> <p>24 Q. With others around? Did she allegedly make that comment "Are you going to retire now" when other</p> |

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|---|---|
| <p>1 people were around your desk?</p> <p>2 I -- I don't -- not that time, but another time, which</p> <p>3 was like I'm going to say like 2017 right after this</p> <p>4 project started, she actually got kind of accusatory,</p> <p>5 like I am somehow at fault that after all these years</p> <p>6 I can't retire yet. "I can't believe after all these</p> <p>7 years you can't retire."</p> <p>8 And I said -- I got a little ticked. I'm</p> <p>9 like, "Chelsea, I was never paid the big bucks. I had</p> <p>10 kids to raise. The government wants me to work till</p> <p>11 I'm 67 and a half."</p> <p>12 And Jeannie Maison hopefully will remember</p> <p>13 this because she was unaware that the -- and she</p> <p>14 commented. She's like, "67 and a half? I thought it</p> <p>15 was 65."</p> <p>16 I said, "No. For me it's 67 and a half."</p> <p>17 So she was like whoa.</p> <p>18 And I was like, "Yeah. If I work that</p> <p>19 long, I'll have been here 48 years or some ridiculous</p> <p>20 thing."</p> <p>21 So hopefully Jeannie Maison will remember</p> <p>22 this conversation, but I actually got a little -- had</p> <p>23 enough, especially when Chelsea is like accusing me</p> <p>24 that I am somehow deficient, that I can't retire in my</p> <p>25 50s.</p> | <p>1 things.</p> <p>2 Q. All right. Anything else on that day that you recall</p> <p>3 that looking back you have a problem with?</p> <p>4 A. Not that I recall at this -- at this time.</p> <p>5 Q. Do you know if anyone took photos of the gag setup</p> <p>6 that they did?</p> <p>7 A. I don't know.</p> <p>8 Q. All right. Did you talk to anybody about the fact</p> <p>9 that you had a problem with it, with how the day went?</p> <p>10 A. I mean, over -- overall I tried to be a good sport.</p> <p>11 Right? I'm not a whiner. I can take a joke. I -- I</p> <p>12 might have bitched to somebody about not liking it,</p> <p>13 but I can't specifically say who, but I might have</p> <p>14 said, you know, this stinks or something. I might</p> <p>15 have. I'll have to think about that.</p> <p>16 Q. Well, take your time now to think about it because I</p> <p>17 need to know whether on that day or any time</p> <p>18 thereafter you told anyone at the firm that, gee, I</p> <p>19 had a problem with the way they celebrated my</p> <p>20 birthday?</p> <p>21 A. Did I run to management or something? No, I did not.</p> <p>22 Q. All right. So you treated it as a joke and you let it</p> <p>23 go; right? You didn't turn it into I've got a</p> <p>24 complaint --</p> <p>25 A. Right.</p> |
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| <p>1 Q. Let's hold on. I'm staying on the birthday</p> <p>2 celebration back -- the 50th birthday.</p> <p>3 A. Well, you were asking me about her saying retirement.</p> <p>4 I believe she asked me about my retirement then too.</p> <p>5 Q. All right. So on the day of your 50th birthday when</p> <p>6 they've done the gag gifts and everything, Chelsea</p> <p>7 made the comment, I assume jokingly, "Are you going to</p> <p>8 retire now?"</p> <p>9 A. Who -- I thought at the time it was joking. Turns out</p> <p>10 not so much.</p> <p>11 Q. All right. Did she make any other comment now that</p> <p>12 you're looking back on it that you found in any way</p> <p>13 offensive or problematic on that day?</p> <p>14 A. On that day? I don't recall.</p> <p>15 Q. Or about your 50th birthday.</p> <p>16 A. I don't recall anything specific.</p> <p>17 Q. All right. So that one comment and then the comments</p> <p>18 that were made I can't believe you're 50, you don't</p> <p>19 look 50 by the associates?</p> <p>20 A. Correct.</p> <p>21 Q. Those are the things you recall on your 50th birthday</p> <p>22 at the firm that looking back on it now you find --</p> <p>23 you have a problem with?</p> <p>24 A. I had a problem with it then as well, but yes, that</p> <p>25 was probably the start of -- yeah. The start of</p> | <p>1 Q. -- about what they did on my 50th birthday?</p> <p>2 A. Right.</p> <p>3 Q. At no point?</p> <p>4 A. At no point then.</p> <p>5 Q. If you at any point in time complained about it, when</p> <p>6 was that?</p> <p>7 A. When the wheelchair would not leave my desk. So after</p> <p>8 that birthday, I put all the paraphernalia back on the</p> <p>9 chair, wheeled it into Chelsea's office, and Monday</p> <p>10 morning the chair's back at my desk. So --</p> <p>11 Q. What do you mean it's at your desk? It's not sitting</p> <p>12 in lieu of your normal chair?</p> <p>13 A. Yeah. There's -- so the way the firm is is, you know,</p> <p>14 there's the cubbies, you know, so I'm here, no one's</p> <p>15 here, so it was here.</p> <p>16 Q. Another cubicle?</p> <p>17 A. They're not separated, so they're -- they're one area,</p> <p>18 and in some places someone's -- Shannon actually used</p> <p>19 to occupy it for a while, but it's been empty. It was</p> <p>20 empty for a long time.</p> <p>21 Q. So let's get it straight. You have a cubicle where</p> <p>22 you've got your desk, your desktop computer, your</p> <p>23 chair?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And then there's another cubicle next to</p> |

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|---|--|
| <p>1 you which has got the same setup; right?</p> <p>2 A. Correct. Correct.</p> <p>3 Q. And the chair was moved into the cubicle next to you?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And it sat there in lieu of a chair for that</p> <p>6 empty cubicle?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Do you know who put it there?</p> <p>9 A. Chelsea.</p> <p>10 Q. How do you know that?</p> <p>11 A. Because I said, "Chelsea, you gotta take this back to</p> <p>12 your church," you know.</p> <p>13 Q. But how do you know she put it there?</p> <p>14 A. Who else would have? Because I put it in her office.</p> <p>15 Q. All right. So you're speculating?</p> <p>16 A. True.</p> <p>17 Q. All right. So the first time you mentioned the chair</p> <p>18 to management was in 2019 and after your probation;</p> <p>19 right?</p> <p>20 A. No.</p> <p>21 Q. When do you claim you mentioned it prior to that?</p> <p>22 A. Sue Choma -- I mean, everyone thought the chair was</p> <p>23 mine. Even Sue Choma. So she called me, I can't</p> <p>24 remember exactly when this was, probably '18, to</p> <p>25 borrow it.</p> | <p>1 celebration or recognition event was in the spring of</p> <p>2 2019 following your probation?</p> <p>3 A. I don't think that's true, no.</p> <p>4 Q. When did you raise it prior to that?</p> <p>5 A. While asking Sue to store that wheelchair somewhere</p> <p>6 else -- let me think if there was anything even</p> <p>7 earlier. More around the wheelchair itself than the</p> <p>8 party, because, again, I'm trying to be a good sport</p> <p>9 about the stupid party, but I complained -- and is</p> <p>10 Chelsea my management? Because I complained to her</p> <p>11 uncountable times to get rid of it. Because people</p> <p>12 would assume it was mine and what's wrong with you?</p> <p>13 How come you need a wheelchair? And so I complained</p> <p>14 to Chelsea at least a hundred times.</p> <p>15 Q. Just to get rid of the wheelchair?</p> <p>16 A. Yes.</p> <p>17 Q. Right.</p> <p>18 A. Yes.</p> <p>19 Q. All right. You never complained to Chelsea or to Sue</p> <p>20 Choma about the overall birthday party, celebration</p> <p>21 until --</p> <p>22 A. We --</p> <p>23 Q. -- till the spring of 2019 following your probation?</p> <p>24 A. When I realized this pattern, yes.</p> <p>25 Q. Okay. And how was Sue Choma when you said in 2018,</p> |
| Page 88 | Page 90 |
| <p>1 Q. In 2018?</p> <p>2 A. I think so. Might even have been '17. But I think it</p> <p>3 was '18. To borrow it. And I said, "Well, it's not</p> <p>4 mine, but I'm sure Chelsea wouldn't mind if you</p> <p>5 borrowed it and please store it somewhere else."</p> <p>6 Q. Okay. Is that the extent of your exchange with Sue?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And then the next time you raised it was in a</p> <p>9 performance counseling meeting in the spring of 2019</p> <p>10 following your probation?</p> <p>11 A. And I was less subtle at that point and I said, "If</p> <p>12 you don't move the chair, I'm going to file an age</p> <p>13 discrimination lawsuit."</p> <p>14 Q. Okay. You never talked about the overall birthday</p> <p>15 events on your -- that occurred with the diapers and</p> <p>16 the other gag gifts until the spring of 2019 when you</p> <p>17 got more pointed and said you want the wheelchair</p> <p>18 removed; right?</p> <p>19 A. I never complained about the birth -- never complained</p> <p>20 about the birthday.</p> <p>21 THE WITNESS: I'm sorry. Can you read that</p> <p>22 back?</p> <p>23 BY MS. HARDY:</p> <p>24 Q. I can repeat it. The first time you ever addressed to</p> <p>25 management any complaint about your 50th birthday</p> | <p>1 you know, it's not my wheelchair, you know, get rid of</p> <p>2 it, how was she to know what it was connected to or</p> <p>3 how it got there?</p> <p>4 A. I don't. I assume she called Chelsea because I said</p> <p>5 it belongs to Chelsea, so . . . I assume she called</p> <p>6 her.</p> <p>7 Q. Do you know when in 2018 you believe you had that</p> <p>8 conversation?</p> <p>9 A. It's -- it's hard to place it. Yeah. It's hard to</p> <p>10 recall exactly when that was. But I will try to think</p> <p>11 of it if you want to continue.</p> <p>12 Q. So when did the 50th birthday party or celebration</p> <p>13 start to bother you? When did you kind of look at it</p> <p>14 in that light, start looking at it in that light?</p> <p>15 A. Immediately. However, like I said, I'm not a whiner.</p> <p>16 I'm going to be a good sport. But immediately. I</p> <p>17 mean, I walked in and went -- especially the diapers.</p> <p>18 Right? I mean, that's pretty bad taste. Yeah. I was</p> <p>19 like . . .</p> <p>20 Q. But no one knew that's how you felt --</p> <p>21 A. No.</p> <p>22 Q. -- until --</p> <p>23 A. No.</p> <p>24 Q. -- just shortly before your termination; right?</p> <p>25 A. I don't know if that's a true statement. That -- no.</p> |

24 (Pages 87 to 90)

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|---|--|
| <p>1 I think Chelsea knew that I didn't like it.</p> <p>2 Q. Well, but you're just assuming she intuited that?</p> <p>3 A. Well, you're assuming that -- yeah. You just made an 4 assuming statement yourself, so . . .</p> <p>5 Q. Well, I'm looking at the documents. I mean, you 6 brought it up after your probation in 2019. There is 7 a meeting close to the time of your termination in 8 which you made reference to the birthday party and the 9 wheelchair and so forth, and at that point in time --</p> <p>10 A. With a point on it because subtle hints were not being 11 taken.</p> <p>12 Q. All right. So before that it was subtle hints; right?</p> <p>13 A. Yes. Yes.</p> <p>14 Q. All right. So how was Chelsea to know before that 15 point where you became direct about it that this was 16 something that was upsetting to you as opposed to you 17 wanting the wheelchair removed?</p> <p>18 MR. FARRAR: Objection to form. 19 You can answer.</p> <p>20 A. How did she know it was upsetting to me?</p> <p>21 BY MS. HARDY:</p> <p>22 Q. How was she supposed to know that?</p> <p>23 A. Okay. You're asking me how does Chelsea think. I 24 don't know how to answer that. My repeated requests 25 for her to remove that wheelchair that she would, no,</p> | <p>1 A. After the wheelchair. And then --</p> <p>2 Q. Why did it change at that point?</p> <p>3 A. Because she would blow me off, you know. I'm like, 4 "Chelsea, you know, people are asking me." So like, 5 yeah, my opinion, screw you, you know, I don't care 6 about your feelings. So, yeah. It's -- it totally 7 changed. But I did not work with her, so I avoided 8 her. I mean, hi in the halls. When she would come 9 by, I'd say, you know, "Wheelchair. You're not 10 borrowing it anymore. It's been years now. Church 11 probably wants that back."</p> <p>12 She's like, "Oh, the church has a whole 13 bunch of them."</p> <p>14 I'm like, "Well, you're not borrowing it."</p> <p>15 Q. What did you mean you're not borrowing it anymore?</p> <p>16 A. When it's been two years, now three years, that's no 17 longer borrowing. That's stealing. So I was trying 18 to put it on her to get this thing back to your 19 church, you know, so . . .</p> <p>20 Q. All right. So the two of you just weren't connecting 21 on what you were trying to say about the wheelchair?</p> <p>22 A. Apparently not. Until I said I will file an age 23 discrimination lawsuit against you if you don't get 24 rid of it, and then she finally moved it.</p> <p>25 Q. So your being subtle just was somehow not -- she</p> |
| Page 92 | Page 94 |
| <p>1 nobody cares, it doesn't matter. Yeah. I don't think 2 she was -- she cared about my feelings at all, 3 so . . .</p> <p>4 Q. Did you explain to her why you wanted the wheelchair 5 removed?</p> <p>6 A. Yes.</p> <p>7 Q. What did you say to her?</p> <p>8 A. I said, "People are asking me what's wrong with me. 9 People are asking me why I need a wheelchair."</p> <p>10 Q. And her response was it's no big deal?</p> <p>11 A. Yes.</p> <p>12 Q. What was your relationship with Chelsea back in 2015 13 at the time of the birthday celebration?</p> <p>14 A. Before that -- actually -- I thought we were friends. I think she actually at my -- preceding my birthday I had an anniversary, I had a 30th anniversary, and she seemed genuinely surprised that I had been at the firm 30 years, and I -- actually I think that was the first time she asked me if I was going to retire, and I laughed. I'm like I'm 49. No. So I think that's how she knew I was 49. So before that I thought we were friends. I gave her Little Tykes kitchen for her kids. We would go to lunch occasionally. I thought we were friends honestly.</p> <p>25 Q. And when did that perception on your part change?</p> | <p>1 wasn't understanding what you were saying?</p> <p>2 A. I don't know what Chelsea was thinking. I think she 3 was purposely blowing me off.</p> <p>4 Q. Why would she blow you off?</p> <p>5 A. Because she had a problem with my age.</p> <p>6 Q. Why do you think she had a problem with your age?</p> <p>7 What leads you to believe that?</p> <p>8 A. Well, we were friends before she found out how old I 9 was. Then she did -- something meant -- it's like 10 passive-aggressive thing. Oh, Kathy's old, let's let 11 everyone know she's old, you know. And, again, I 12 don't feel old, so thanks a lot for that. But I think 13 it was her passive-aggressiveness going, yeah, let's 14 let everyone know how old she is and, you know, why 15 don't you retire? What's wrong with you? You haven't 16 managed your money enough to retire after 30 years? A 17 lot of -- a lot of putting me down. But, again, we 18 did not work together. So I just stomached it. 19 Right? I mean . . .</p> <p>20 Q. Do you know what the age disparity is between you and 21 Chelsea?</p> <p>22 A. I think ten years.</p> <p>23 Q. Where did you get that idea?</p> <p>24 A. I saw it in a LinkedIn thing or something that she 25 turned 40.</p> |

25 (Pages 91 to 94)

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|--|---|
| <p>1 Q. That she turned 40 recently?</p> <p>2 A. I think it's --</p> <p>3 Q. How about 50?</p> <p>4 A. Yeah. I don't know. Is she 50?</p> <p>5 Q. Yeah.</p> <p>6 A. Yeah. Well, she had a problem with me. Shall we go 7 put diapers on her desk and see how she likes it?</p> <p>8 Q. All right. So let's cover the reasons you believe you 9 were treated differently than other employees because 10 of your age. Let's start with who the people are that 11 you think treated you differently at least in part 12 because of your age.</p> <p>13 A. Chelsea.</p> <p>14 Q. Okay. Anyone else?</p> <p>15 A. She was pretty much the driving force.</p> <p>16 Q. Okay. Anyone else, though?</p> <p>17 A. Well, Sue Choma didn't say age, but when she told me 18 that I'd been with the firm for a really long time and 19 I had been on that project a really long time so it's 20 time for me to reinvent myself, I was like yeah, but 21 I've had commendable service. Like why are you 22 telling me to reinvent myself?</p> <p>23 Q. Let's just get a list of the people. So Chelsea --</p> <p>24 A. Chelsea and Sue.</p> <p>25 Q. Chelsea and Sue?</p> | <p>1 think we ever did after. When her behavior really 2 turned, though, was when we got on the same project 3 together, so like we abided by each other, was still 4 cordial. I would say, you know, here is this 5 wheelchair, so we had those. But it was still 6 cordial. When we got on this project together -- 7 she's very jovial. I don't know if you've met her. 8 She appears very jovial. So when this new project 9 came up, she came over all very happy and jovial, "I 10 got a new project."</p> <p>11 And I said, "Me too. Clay called me 12 yesterday."</p> <p>13 And she went, "Really?" And like frowned. 14 And then actually I would love her text. What was she 15 texting her husband when she was constantly doing 16 that? I would love to see that text that she sent 17 right there.</p> <p>18 Q. When was that exchange?</p> <p>19 A. When we got the project. Clay had called me the day 20 before her. I can't tell you the exact date, but I 21 bet if I had access to the information on my computer 22 I could whittle down that date for you.</p> <p>23 Q. Did you create an email to yourself about that 24 conversation?</p> <p>25 A. No. Because this one wasn't horrible yet. But I -- I</p> |
| Page 96 | Page 98 |
| <p>1 A. Yeah.</p> <p>2 Q. All right. So it's limited to those two?</p> <p>3 A. Correct.</p> <p>4 Q. All right. So let's start with Chelsea and let's walk 5 through everything that she did or said that impacted 6 you that you think exhibited an age bias or somehow 7 disadvantaged you because of your age.</p> <p>8 A. Okay. So when Clay brought me into this project 9 and -- so okay. You've gotta go back, though. So our 10 relationship changed after the birthday. We weren't 11 friends anymore.</p> <p>12 Q. Like on a dime after your 50th birthday?</p> <p>13 A. And the repeated ignoring of my get this wheelchair 14 out of my desk. It deteriorated. But we were still 15 polite.</p> <p>16 Q. All right. Let's stay with that thought for a moment. 17 How did your relationship deteriorate other than the 18 fact that she did not respond to your subtle kind of 19 complaints about the wheelchair?</p> <p>20 A. Okay. I'm sorry. That was a lot.</p> <p>21 Q. How did the relationship change after the 50th 22 birthday party?</p> <p>23 A. Okay. Well, it was not as friendly as it was.</p> <p>24 Q. Can you be more descriptive than that?</p> <p>25 A. We would occasionally have lunch prior, and I don't</p> | <p>1 was like, okay. I mean, she just deadpan really and 2 like frowned, and I was like okay.</p> <p>3 Q. So that was the fall of 2017?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And did she do anything other than say "Really" 6 that you think indicated she was unhappy?</p> <p>7 A. Well, she walked back to her office, so that was -- 8 that was the end of that. But then Clay sent us the 9 invites to the launch meeting, and so, you know, we're 10 all at our own desks participating in that, so there 11 were two that Clay invited both of us to, two launch 12 meetings, and so the last one the three of us, Clay, 13 Chelsea, and I, talked, and Clay said, "Okay. 14 Chelsea, you get everybody -- you know, you get you 15 and Kathy access and, you know, I'm going to kind of 16 bow out of this," you know, and -- and Chelsea 17 wouldn't give me access.</p> <p>18 Q. Access to what?</p> <p>19 A. The client systems.</p> <p>20 Q. So --</p> <p>21 A. And I was never invited to another meeting.</p> <p>22 Q. So you had two luncheon meetings with Clay --</p> <p>23 A. Launch. Launch.</p> <p>24 Q. Pardon me?</p> <p>25 A. Launch. Launch.</p> |

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|---|--|
| <p>1 Q. Launch meetings. Okay. Just the three of you?</p> <p>2 A. No. It was a conference call.</p> <p>3 Q. Okay. And that was introducing you to what the</p> <p>4 project was?</p> <p>5 A. With the client on the line.</p> <p>6 Q. Okay. And then Chelsea would not give you access to</p> <p>7 the client system or whatever --</p> <p>8 A. So yeah. Do you want me to --</p> <p>9 Q. Yeah. Go ahead.</p> <p>10 A. -- briefly explain? So it's lemon law stuff. Mostly</p> <p>11 in California, so -- and there was actually a class</p> <p>12 action going on in California. So the client wanted</p> <p>13 to get it -- get itself in line because there was</p> <p>14 severe sanctions if you don't move in 30 days. So</p> <p>15 tight -- tight time frame. So this project was when</p> <p>16 someone files a complaint, they wanted us on it right</p> <p>17 away, do an assessment, if it was -- if it was</p> <p>18 eligible for a buyback, get that offer out there and</p> <p>19 try to settle these within 30 days so that the client</p> <p>20 doesn't get hit with, you know, sanctions and --</p> <p>21 and -- and I think it's built into their statute some</p> <p>22 damages. You know, I think it was triple damages or</p> <p>23 something. So very fast. Very fast. Very fast. So</p> <p>24 in order to facilitate all that, we were to get access</p> <p>25 to the client's warranty system. So, you know, you</p> | <p>1 And Shannon rather than emailing me back</p> <p>2 came by and she just said, she goes, "I just do the</p> <p>3 intake, so I'm not getting access."</p> <p>4 And so I was like okay. You know, because</p> <p>5 if Chelsea's not here and cases come in, I can't do</p> <p>6 anything because she didn't give me her credentials.</p> <p>7 She would like log it on my computer. So, okay,</p> <p>8 this is a problem; right? So then I'm going to say</p> <p>9 late November, early December we got a ton of cases.</p> <p>10 Like 20 in a day. And she couldn't keep up her age</p> <p>11 bias against me and she had to give me access because</p> <p>12 she couldn't -- she couldn't do 20. So I finally get</p> <p>13 access. So that was a way that she just -- she wasn't</p> <p>14 going to let me in this project. She just wasn't</p> <p>15 going to let me in. I wasn't invited to any more</p> <p>16 meetings.</p> <p>17 Q. Do you know if there were any more meetings?</p> <p>18 A. Yes. I know that there were other meetings.</p> <p>19 Q. Who attended them?</p> <p>20 A. Chelsea.</p> <p>21 Q. Just Chelsea?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. And why did you think you needed to be there?</p> <p>24 A. Paralegals usually are, and when -- okay. Since this</p> <p>25 was a launch, this was a brand-new thing, changes are</p> |
| <p style="text-align: center;">Page 100</p> <p>1 have to know what's on the vehicle. Right? So that</p> <p>2 was core to be able to get in there and see what was</p> <p>3 done on this vehicle, what do we know about. And</p> <p>4 Clay, marching orders, Chelsea, get you guys both</p> <p>5 access and she didn't. She got herself access right</p> <p>6 away. She didn't get me access. So I asked her about</p> <p>7 it, you know.</p> <p>8 Q. What did she say?</p> <p>9 A. She said, "Oh, yeah, yeah, I'm gonna."</p> <p>10 And I'm like, "Well, you know, do you want</p> <p>11 me to start working on these or what?" You know.</p> <p>12 "Yeah, yeah, yeah. Here, let me log you on</p> <p>13 with my credentials."</p> <p>14 So she would come to my computer and log on</p> <p>15 so that I could use her name to go into the system.</p> <p>16 So -- okay. So the launch was in September, so middle</p> <p>17 of October I still don't have access. And I was like,</p> <p>18 "Chelsea, you know, can I have access?"</p> <p>19 "Oh, yeah, yeah. I'm gonna -- I'm gonna do</p> <p>20 that."</p> <p>21 Okay. End of October I still don't have</p> <p>22 access. So then I email, and I think you got this in</p> <p>23 your stuff, I email Shannon as part of a different</p> <p>24 email and I said, "Do you have access yet? You know,</p> <p>25 like what's going on?"</p> | <p>1 being made, different marching orders, and actually</p> <p>2 that's why the paralegals are there. Chelsea wouldn't</p> <p>3 downstream stuff to me. She didn't invite me to a</p> <p>4 meeting, so I didn't know. But then when I did</p> <p>5 something that I wasn't aware was changed, she would</p> <p>6 like, "We're not doing it like that anymore."</p> <p>7 Oh, so right. Her tone became no longer</p> <p>8 jovial toward me. Her tone was snarky and snappy</p> <p>9 whenever she spoke to me. And so like I'm supposed to</p> <p>10 know that there was a change in a meeting that you</p> <p>11 didn't invite me to but now you're going to yell at me</p> <p>12 for it? So yeah. It was very tense. Very tense.</p> <p>13 Right from the get-go.</p> <p>14 So then like in -- it was the Christmas</p> <p>15 season. Clay called me on a -- on a switch case and</p> <p>16 he said, "Oh, by the way, how's the new thing going?"</p> <p>17 And I'm like, "Terrible. I have no idea</p> <p>18 what's going on. I'm not in the loop. Terrible."</p> <p>19 So he said, "Okay. Okay. In January we'll</p> <p>20 meet."</p> <p>21 And I said, "Okay. Great."</p> <p>22 Want me to keep going? Am I talking too</p> <p>23 much?</p> <p>24 No. Keep going.</p> <p>25 MR. FARRAR: Just answer the question.</p> |

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| <p>1 A. What was the question? Oh, how did Chelsea treat me 2 different. So right. The not getting me access, her 3 tone, and not inviting me to the launch meetings which 4 I should have been. So all those right away.</p> <p>5 BY MS. HARDY:</p> <p>6 Q. Did you get access at some point?</p> <p>7 A. Yes. It was like --</p> <p>8 Q. When was that?</p> <p>9 A. It was like mid November I would say, and it was 10 because we got a ton, like 20 of them in one day.</p> <p>11 Q. Did you ask her why you didn't have access before 12 that?</p> <p>13 A. As I said, yes. Several times. Every -- every week.</p> <p>14 Q. And what was her response?</p> <p>15 A. "I'm gonna. Just use mine. It's fine. Just use 16 mine. I'll get you -- I'll get it. I'll get it."</p> <p>17 Q. All right. So your complaints about her in 2017 are 18 the slow giving you access, not inviting you to 19 additional launch meetings, and her tone?</p> <p>20 A. Yes.</p> <p>21 Q. Were there any witnesses to any of the conversations 22 where you thought her tone was inappropriate?</p> <p>23 A. I notice you guys have Joe Hickey on your Witness 24 List. His office is right there. We can ask Joe.</p> <p>25 Q. Anyone that you know of who was a witness? Anyone</p> | <p>1 assessments against. So at a subsequent meeting 2 apparently they changed to NADA value, and, oh, yeah. 3 Chelsea yelled, "We're using NADA now." Okay. You 4 just gotta tell me. Right? How would I know? I 5 wasn't there. So that was one of the things that she, 6 you know, I had no way of knowing it, but chose to 7 call me out that I didn't know that we changed to 8 NADA.</p> <p>9 Q. All right. So anything else about how --</p> <p>10 A. He's staring at me. It's a little weird.</p> <p>11 Q. What's your problem?</p> <p>12 A. Nothing. It's just weird being stared at.</p> <p>13 Q. Well, people are just listening to you and they tend 14 to look at someone who's speaking.</p> <p>15 A. I know. I know. And this is weird for me. You've 16 gotta understand that.</p> <p>17 Q. Well, I can understand it's a different experience, 18 but when you're talking, people in the room are going 19 to look at you because they're trying to listen to 20 what you're having to say.</p> <p>21 A. Fine. Fine. Fine. Yes.</p> <p>22 Q. So did your relationship with Chelsea change in any 23 other way beyond the problems that you've identified?</p> <p>24 A. Yes.</p> <p>25 Q. How?</p> |
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| <p>1 that you can identify?</p> <p>2 A. No. Joe's office is right there.</p> <p>3 Q. All right. So did you ever talk to anyone about why 4 you weren't invited to the launch meetings after the 5 first two?</p> <p>6 A. Not specifically, because, if you recall, Clay wanted 7 hands off, and, again, I'm not a whiner. I am not 8 going to go, oh, she's not inviting me to -- no. It's 9 not -- that's not the way I worked. I just wanted to 10 get the job done, and I was being prevented from 11 getting the job done.</p> <p>12 Q. All right. So did you ever attend any further launch 13 meetings after the initial two?</p> <p>14 A. I don't believe so.</p> <p>15 Q. And how many launch meetings do you believe occurred 16 after those initial two?</p> <p>17 A. Well, launch with that term, I would say there were 18 probably three.</p> <p>19 Q. So you went to two out of the three?</p> <p>20 A. Two out of the five.</p> <p>21 Q. Oh, three additional?</p> <p>22 A. Yes. Because then certain changes were made. Like 23 one of them -- so at one of the earlier launch 24 meetings our client said he wanted Kelley Blue Book 25 values so like he has something to gauge our</p> | <p>1 . Okay. So I'll continue with the story. So in January 2 Clay has me, Shannon, Chelsea in his office to, you 3 know, go over the division of work. You know, we all 4 are very clear that Shannon does intake, you know, she 5 runs the conflict, she does intake, and so then, you 6 know, Clay dismissed Shannon from the rest of the 7 discussion. So then Clay was like, well, you know -- 8 so Clay kind of divided up the work. He said -- do I 9 need to back up? Because I did miss something. 10 Shannon -- or not Shannon. Chelsea was sometimes 11 doing the assessment summaries. I start at 9:30 to 12 5:30 were my hours. So sometimes she would like get 13 in there early and try to get them done before I came 14 in so that like -- I guess so that I wouldn't have any 15 work to do, I guess. I don't know. So -- so, anyway, 16 so Clay said -- made it pretty clear. He's like, 17 "Kathy should be, you know, reviewing the documents, 18 doing the assessment summaries. Chelsea, you should 19 be reaching out to opposing counsel to settle these 20 things. So that's -- that's where, you know, your 21 core thing is. Let Kathy do the assessments. You do 22 the settling."</p> <p>23 Chelsea also, backing up, she didn't want 24 to copy me on anything. You know, like when she did 25 do settlement negotiations with somebody, she</p> |

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|--|--|
| <p>1 didn't -- she didn't want to copy me on anything, and 2 this actually predated the January, which is why it 3 came up in the January, and I asked her about it and 4 she's like, "Well, the Greenberg firm like copies like 5 ten people and I don't want to do that."</p> <p>6 And I said, "Well, just me," you know. You 7 know, "I need to kind of be apprised of the status," 8 because I also had to at the end update the database. 9 So she just -- she just didn't want to copy me.</p> <p>10 So at this January meeting Clay's like, 11 "Copy Kathy. Let her -- let her update -- you know, 12 let her do her job. Let her update the database." So 13 he cleared that up.</p> <p>14 The other thing I was doing is I was 15 preparing an initial case summary, so if you search 16 the system with me as author, you're going to get my 17 initial summaries, and I think I want those. So it 18 proves that, no, I was not just updating the database. 19 That was the end of the status. Well, so you'd review 20 the complaint. You'd pull the vehicle record. You'd 21 review those. You need a total. You need how much 22 was spent on the repairs. You'd have to look at the 23 client's customer contact database, which is another 24 database, see if that customer ever called in, alleged 25 lemon law, claimed lemon law, so you'd have to review</p> | <p>1 was useful for that, you know. And -- but Chelsea 2 hated it.</p> <p>3 And Clay said, "Kathy, you can keep doing 4 your initial case summaries. Makes sense." So he 5 gave me direct approval to keep doing those.</p> <p>6 Q. That was in the meeting with Chelsea in January of 7 '18.</p> <p>8 A. Yes. Yes.</p> <p>9 Q. So you did those for yourself, not for --</p> <p>10 A. I did them to prepare the final, but I needed a record 11 of what I reviewed because they --</p> <p>12 Q. Why did you need all that information? Why did you 13 have to go through all the work involved in creating 14 that if it wasn't needed by Chelsea or Clay?</p> <p>15 A. Okay. So let's use recalls, for example. So you go 16 onto the recall database and there was a recall on 17 tires and there was a recall on paint. Okay? So 18 that's not going to go into the spreadsheet if they're 19 talking about their transmission. That's just not -- 20 it's not relevant. Okay? But I wanted -- I wanted to 21 know that I looked at it.</p> <p>22 Q. Why?</p> <p>23 A. Because if I didn't look at it and there was a 24 transmission recall, then I missed something.</p> <p>25 Q. Well --</p> |
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| <p>1 all that. You'd have to look at recalls, how many 2 recalls. So that's another database. Did it have 3 recalls.</p> <p>4 So a lot of the information that I had to 5 look at for each and every case didn't get into the 6 final assessment spreadsheet because Excel only gives 7 you so much room. You know, like it's actually built 8 into Excel. It only gives you -- so a lot of stuff I 9 reviewed, I wanted a record that I reviewed it, and it 10 just didn't make it into the assessment spreadsheet, 11 so I would do these initial case summaries, and 12 Chelsea hated it. She's like, "That's a waste of 13 time."</p> <p>14 I'm like, "Well, it's not a waste of time 15 because if you asked me recalls didn't make it in 16 here, you asked me if I looked at it, I could say yes, 17 I looked at it, I did, and there weren't any."</p> <p>18 Or we get, you know, more repair records 19 from the dealer because dealer -- you guys work with 20 Ford, so -- okay. So you know that dealers had their 21 own systems. That's not the warranty system. So we 22 would get more repair orders either from the dealer or 23 from the plaintiff, so in my initial case summary I 24 could add it to what I already have so that I have a 25 clearer picture of the true repair history. So that</p> | <p>1 A. Okay.</p> <p>2 Q. -- why is that efficient if it's a transmission issue 3 to start creating records about what you looked at on 4 the tires?</p> <p>5 A. To note that I looked at them.</p> <p>6 Q. But --</p> <p>7 A. Different way of organizing.</p> <p>8 Q. A different way of doing it?</p> <p>9 A. Right. When -- when -- okay. By the time that I was 10 terminated, we had 2,000 something in our database.</p> <p>11 Are you going to remember if John Smith -- did you 12 look at the recalls on John Smith?</p> <p>13 Q. So you wanted to take the time to record that you'd 14 looked at the tires when it was a transmission issue 15 just in case sometime down the road some question came 16 up about the tires?</p> <p>17 A. But -- but questions came up all the time. So like I 18 used recall as an example, but one thing that did come 19 up all the time is so I would do the grid about the 20 repairs, and so during -- when we're doing the actual 21 assessments, both Chelsea and Clay would say, "Well, 22 how much was that engine replacement?" That doesn't 23 make it to the spreadsheet. I would have to look at 24 my initial case summary and tell you how much that 25 engine replacement was. It was \$8,000. Okay? So --</p> |

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| <p>1 or just questions. Did they have any customer 2 contacts? I can look at my -- didn't make it to the 3 final, but I can look at my initial case summary and I 4 said it was but they never said lemon law.</p> <p>5 Q. Did you --</p> <p>6 A. And I didn't type everything. They were notes, 7 so . . . And I'm a damn quick typist, so . . . It's 8 not like I took a lot of time to --</p> <p>9 Q. Did you record in your time that you put down what -- 10 when you were working on the initial case summaries?</p> <p>11 A. One and the same. It flowed. Okay. You -- first you 12 review the Complaint, then you review the vehicle -- 13 you know, the warranty records, then you review this, 14 so it just -- it just flowed.</p> <p>15 Q. Let's move on to whatever other issues you had with 16 Chelsea.</p> <p>17 A. So -- well, and because of her -- okay. So we thought 18 we had good marching orders. I was actually 19 delighted. Right? Now the big guy has given us our 20 marching orders. I was delighted. Well, because of 21 her age bias she would not work for me and so she 22 started lying about my performance.</p> <p>23 Q. She would not work for you?</p> <p>24 A. She would not work with me I said. Didn't I say with? 25 So she started lying about my performance. She</p> | <p>1 you thought --</p> <p>2 A. Why would she -- okay. So she put this lie -- I put 3 the little -- you might remember the question mark. 4 So after that I'm furious because I'm like no one ever 5 discussed -- she never discussed this with me. So I 6 do some research. I go back through all my sent items 7 because it was only from September now to when Chelsea 8 said that, so --</p> <p>9 Q. Which was when?</p> <p>10 A. I think the reviews come out in March, April, so not a 11 ton. It was still a lot.</p> <p>12 Q. So March, April 2018?</p> <p>13 A. Yes. So, but I went back to September and looked at 14 all my things outside the firm. I didn't give anyone 15 any incorrect information ever, and so I -- I called 16 her out on it and I said, "Chelsea, what are you 17 talking about? You never -- you never told me about 18 it. You write this on my review."</p> <p>19 And she said, "I don't remember."</p> <p>20 And I said, "Well, you wrote it on my 21 review."</p> <p>22 And she goes, "Well, I wrote it so it must 23 be true."</p> <p>24 Q. Did that conversation occur with Sue Choma present?</p> <p>25 A. I -- I told Sue about it because when Sue -- when I</p> |
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| <p>1 said -- the first lie was in January 2018 soon after 2 the meeting with Clay where she wrote I gave 3 inaccurate information to someone. And I actually put 4 a question mark next to it because I -- she never told 5 me I did that. I had never done that. I am usually 6 very careful. I don't give inaccurate information. 7 So that was her first lie. She just would not work 8 with me. She -- I think she planned right there get 9 her fired because I -- her -- she's got a problem with 10 my age, I guess.</p> <p>11 Q. You guess. Why did you think she had a problem with 12 your age?</p> <p>13 A. Well, look at this history. Like -- like what's going 14 on? Why --</p> <p>15 Q. Maybe she had a problem with how you approached your 16 job. Maybe she had a problem with your personality. 17 Why do you assume it's your age?</p> <p>18 A. The party, the wheelchair, the asking me about 19 retirement over and over and over and over. One would 20 start to see a pattern, which it took me a while to 21 see the pattern because, again, I don't see myself as 22 old. So it took me a while to identify her pattern, 23 but because of her age bias, she was determined then 24 to get me fired if I'm not retiring, I guess.</p> <p>25 Q. That's just the assumption when you put together that</p> | <p>1 wrote the question mark, I told Sue, I'm like this 2 never happened. So yes. After I told Chel -- 3 confronted Chelsea on that first lie, I did tell Sue 4 about it. Okay. Deaf ears. But what became a 5 pattern that I didn't see till later is that when I 6 called her out on that, then she sent me another 7 something about -- like the next thing was a really 8 nasty email. "You need to tell me when I am this 9 close to a settlement. This has been sitting for two 10 weeks and he's just looking for confirmation."</p> <p>11 I said, "You didn't tell me that you wanted 12 me to track that. Fine. I'll track that."</p> <p>13 So, again, my fault for something that she 14 didn't tell me that she -- but it was just days after 15 I called her out on the other lie. So I started 16 preparing weekly, I think I called them miscellaneous 17 things to wrap up, and so I would send her a weekly 18 you gotta settle this, you gotta do this, you gotta do 19 this, you gotta do this.</p> <p>20 Q. Did you send yourself an email about everything that 21 she did that you considered to be a false accusation 22 or a lie or . . . ?</p> <p>23 A. I don't think I started doing that yet.</p> <p>24 Q. You said you started doing that in January '18.</p> <p>25 A. I might have -- I think I sent myself the performance</p> |

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| <p>1 review, so, you know, where I got my question mark on 2 there. But yeah, there weren't any backup 3 documentation to send myself on that. I had to do 4 that at work.</p> <p>5 Q. And you didn't create any kind of memorialization of 6 these events that you found so upsetting?</p> <p>7 A. Well, I talked to Chelsea and then I talked to Sue 8 Choma. Did Sue Choma document that I came and talked 9 to her about this was misinformation? Ask Sue. She 10 should have. She should have documented it. I don't 11 know if she did. I'd like to see. So right. So 12 shall I continue? Yeah. It was horrible, and it just 13 got progressively worse and worse and worse. So 14 then --</p> <p>15 Q. So it was horrible as of the very beginning according 16 to you; right?</p> <p>17 A. Well, it was -- how would you like to be tasked with a 18 new project that you really wanted because the client 19 took the other stuff inhouse? And that was not my 20 fault. I mean, you guys work with this client. They 21 mix up their people every three to five years, and the 22 person that took it decided to take the discovery back 23 inhouse. So not my fault. So yes, I was very excited 24 to do a very good job on this new project, and I was 25 being prevented from doing so.</p> | <p>1 right?</p> <p>2 A. No. She's a paralegal.</p> <p>3 Q. Where did you get the impression she's a paralegal?</p> <p>4 A. She's a paralegal.</p> <p>5 Q. You just assume she's a paralegal?</p> <p>6 A. Well, okay. We're talking about Chelsea, so I hate to 7 get us all muddled here, but part of the demeaning 8 treatment from Sue Choma is she made me act like a 9 secretary to my peers, so she never assigned me to an 10 attorney to be secretary. She only assigned me to 11 other paralegals, which to me was meant to demean, 12 which it did. Because I even had them say, "Why are 13 you doing this?" Okay. And so I was assigned, not at 14 this juncture, but I was assigned to be Robin's 15 secretary when their secretary was on vacation because 16 of Sue Choma. So yeah. That was -- I think that's 17 demeaning. And even -- even those that I was assigned 18 to thought it was weird. Like why are you doing this? 19 And I'm like Sue's making me.</p> <p>20 Q. When did that happen?</p> <p>21 A. When Sue started making me do this.</p> <p>22 Q. When was that? I mean, that's the question.</p> <p>23 A. When did she start making me do this? Probably about 24 January of '18.</p> <p>25 Q. So you assume that Robin Kowalski was a paralegal?</p> |
| <p style="margin-top: 12pt;">Page 116</p> <p>1 Q. But from the day you started on this lemon law project 2 with Chelsea, from your perspective the relationship 3 was awful?</p> <p>4 A. It got -- well, she went, "Really?" And stomped off 5 on her phone.</p> <p>6 Q. Were there ever positive moments from the fall of 2017 7 up until the time of your termination in '19?</p> <p>8 A. I'm sure there were. We're human beings. I'm sure 9 there were. I can't recall any.</p> <p>10 Q. All right. Is there anything else of significance 11 that occurred after the last event you referred to in 12 the --</p> <p>13 A. Yeah. When she said, "You need to tell me when." 14 Yes, there was. So --</p> <p>15 Q. Identify all the key events with Chelsea that you have 16 a problem with.</p> <p>17 A. Okay. So then that's when she brought in Robin after 18 the nastygram about you need to tell me about -- so 19 then I get in to work one day and, you know, Shannon 20 usually said, oh, you know, we got five today, we got 21 six today, whatever. So get -- get the email from 22 Chelsea, I believe, saying, this isn't going to be 23 verbatim, right, but we got like eight, and Robin is 24 now on the email.</p> <p>25 Q. Robin's another -- she's an administrative assistant;</p> | <p style="margin-top: 12pt;">Page 118</p> <p>1 A. Yeah. Is she not? It would be news to me if she's 2 not.</p> <p>3 Q. Not her classification.</p> <p>4 A. Really? What is she?</p> <p>5 Q. Well, I'm not here to answer your questions. Why did 6 you assume she was a paralegal?</p> <p>7 A. I think that was her title on her --</p> <p>8 Q. On what?</p> <p>9 A. On her emails. Yeah. If she's not, then I'm 10 surprised. Is she not? Well, then why did Sue later 11 assign me to do this?</p> <p>12 Q. What did you do for Robin?</p> <p>13 A. I don't remember. Make a copy, go get a folder from 14 the supply room. Something else, like -- yeah. And 15 this was at Sue Choma's insistence, so . . .</p> <p>16 Q. So the reason that you assume Robin Kowalski was a 17 paralegal is because you think you saw that on her 18 signature block at some point?</p> <p>19 A. Well, you know, she just -- she got hired in shortly 20 before that. Yeah. If she's not a paralegal, that's 21 news to me.</p> <p>22 Q. All right. But in response to my question, you just 23 assumed that? You don't know why other than you may 24 have seen it on a signature block?</p> <p>25 A. Yes.</p> |

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|--|--|
| <p>1 Q. All right.</p> <p>2 A. I guess.</p> <p>3 Q. What about Lisa Myers? Did she also work at some point on the lemon law project?</p> <p>4 A. Yep. Chelsea brought her in more toward the end, like</p> <p>5 a year later, so like in March of '19, April of '19.</p> <p>6 Q. And what did you think her classification was?</p> <p>7 A. She's a contract paralegal.</p> <p>8 Q. And where do you get the notion she's a contract</p> <p>9 paralegal as opposed to a legal secretary or</p> <p>10 administrative assistant?</p> <p>11 A. Her emails again.</p> <p>12 Q. Again. All right. So that's the sole basis is what</p> <p>13 her -- what's on her email?</p> <p>14 A. Yeah. I mean, I'm not HR. I don't go independently</p> <p>15 investigate people. Yeah.</p> <p>16 Q. Did you think anyone who was a non-attorney who worked</p> <p>17 on the lemon law project was a paralegal because they</p> <p>18 were working on a project?</p> <p>19 A. Shannon Stewart is an administrative assistant. She</p> <p>20 did intake, which is more what an administrative</p> <p>21 assistant does, the conflicts, opening up the matters.</p> <p>22 See, I didn't do that. That was not my role.</p> <p>23 Q. All right. So let's go back to Chelsea and the things</p> <p>24 that she did that led you to believe that she had an</p> <p>25</p> | <p>1 "Chelsea, you know I need this work. What -- what are</p> <p>2 you doing?"</p> <p>3 And she said, "Well, you've been here</p> <p>4 forever. You have a ton of vacation."</p> <p>5 I said, "Yeah."</p> <p>6 She's like, "Do you plan to take it?"</p> <p>7 And I was like, "Yeah."</p> <p>8 She said, "Well."</p> <p>9 Q. Well?</p> <p>10 A. That's the end of the discussion. I was dismissed,</p> <p>11 so . . .</p> <p>12 Q. You were dismissed from the --</p> <p>13 A. From speaking with her anymore.</p> <p>14 Q. Okay. And what conclusions did you draw from that</p> <p>15 exchange?</p> <p>16 A. Shut the fuck up. Shut up. I mean, how would you</p> <p>17 take that?</p> <p>18 Q. I'm asking how you took it and why --</p> <p>19 A. I took it hard. I was like okay. So I went back</p> <p>20 and --</p> <p>21 Q. What did you say to her?</p> <p>22 A. I had already said, "Chelsea, you know, I need this</p> <p>23 work. What are you doing?"</p> <p>24 And then she said that about the vacation.</p> <p>25 And so yeah. Like it was a glare. She was like, "Do</p> |
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| <p>1 age bias. You've listed the -- you didn't think she</p> <p>2 wanted you on the project to begin with, that she</p> <p>3 didn't invite you to all of the launch meetings, she</p> <p>4 didn't give you access as quickly as you thought she</p> <p>5 should have to the client database, and she used a</p> <p>6 tone with you that you didn't like, and then you</p> <p>7 mentioned she -- you thought she lodged criticisms of</p> <p>8 your performance that weren't fair.</p> <p>9 A. They weren't true.</p> <p>10 Q. Weren't true. Okay. So that's the list thus far; is</p> <p>11 that correct?</p> <p>12 A. So far, yes.</p> <p>13 Q. Is there more?</p> <p>14 A. Yes.</p> <p>15 Q. What?</p> <p>16 A. So I come in that morning and I'm going to -- I think</p> <p>17 there were like eight. So she said, "Kathy, Robin,</p> <p>18 split these up."</p> <p>19 Q. When are you talking about?</p> <p>20 A. When I -- so this is like at -- it was after her email</p> <p>21 to me, "You need to tell me when I'm that close to</p> <p>22 settling something." So like within days of that I</p> <p>23 come into work, and the email's not from Shannon but</p> <p>24 from Chelsea. It says, you know, Kathy, Robin, split</p> <p>25 these up. And so I go into her office and I was like,</p> | <p>1 you plan to take it?"</p> <p>2 I was like, "Yes."</p> <p>3 "Well?" With a glare.</p> <p>4 I mean, what would a normal person do?</p> <p>5 What would a regular person do? I went back to my</p> <p>6 desk and started doing them. So . . . But weird;</p> <p>7 right?</p> <p>8 So then -- gosh, there's probably more.</p> <p>9 Then --</p> <p>10 Q. What month in --</p> <p>11 A. So now we're like in April of '18, something like</p> <p>12 that. Maybe May by now. Gosh, I kind of wish I had</p> <p>13 access to my computer because then I could give you</p> <p>14 accurate dates. Okay? Okay. I would really like</p> <p>15 that. The way I kept it. Very organized. So right.</p> <p>16 If I get these a little off, it's been a few years</p> <p>17 now. So then I guess the next event was when she just</p> <p>18 cut me off cold turkey, like no more copying me on</p> <p>19 emails. And so I sent something to myself that said</p> <p>20 radio silence, Chelsea's been here all day.</p> <p>21 Q. So that's one of the emails that you sent to yourself</p> <p>22 that ended up in the Sterling folder?</p> <p>23 A. No. You have it.</p> <p>24 Q. From you. You produced it.</p> <p>25 A. Correct.</p> |

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|--|--|
| <p>1 Q. All right.</p> <p>2 A. So right. So she just cut me off. And -- okay. Like</p> <p>3 why did you do that? You know. So I did ask her</p> <p>4 about that. So let me think -- whenever I would ask</p> <p>5 her about something, and I didn't realize this until</p> <p>6 more recently, but whenever I would question her about</p> <p>7 something that to me was improper and a form of</p> <p>8 discrimination, that she would within days allege</p> <p>9 something else against me, so I think -- I'm not sure</p> <p>10 if the radio silence came up first or the thing about</p> <p>11 waiting to do the assessments until Shannon finished</p> <p>12 her conflict check. Okay. Because --</p> <p>13 Q. Now, you're in '19.</p> <p>14 A. No. We're still in '18. Yeah. It went on for a long</p> <p>15 time. It was -- it was -- it was hell. So -- so this</p> <p>16 is the way she would treat -- one of the ways she</p> <p>17 treated Robin differently is she admonished me even</p> <p>18 though hurry, hurry, hurry, hurry, go faster, go</p> <p>19 faster, go faster. Then all of a sudden she's like,</p> <p>20 "You can't start the assessments until Shannon</p> <p>21 finishes conflicts."</p> <p>22 And I was like no, because Clay -- oh, did</p> <p>23 I cover that in the January '18 meeting? Okay. We do</p> <p>24 have a policy about conflicts and it's very, very firm</p> <p>25 policy. You do not communicate outside of the firm</p> | <p>1 And then okay. The whole thing in the file</p> <p>2 about I am not to work one second of extra hours, and</p> <p>3 this is verbatim what Sue Choma said. "If this</p> <p>4 requires a full-time position, more hours, we'll get a</p> <p>5 full-time person to do it and then where would that</p> <p>6 leave you?" Okay. So no extra hours for Kathy.</p> <p>7 Zero.</p> <p>8 Robin would continually say, "I'm busy but</p> <p>9 I'll do mine at home tonight. I'll do" --</p> <p>10 So, again, my emails, the way I kept it,</p> <p>11 you will see Robin repeatedly -- I need some more</p> <p>12 water -- repeatedly saying "I'll do mine at home</p> <p>13 tonight. I'll" --</p> <p>14 He'll get you water. Just keep going.</p> <p>15 A. Was she reprimanded? Not to my knowledge.</p> <p>16 Q. All right. So what other complaints do you have about</p> <p>17 how Chelsea treated you vis-a-vis other people? You</p> <p>18 pointed out the conflict issue, about waiting to start</p> <p>19 your work until the conflicts cleared and over time.</p> <p>20 A. Right. All of those. There was still -- again,</p> <p>21 Chelsea is very jovial on the outside. So lots of</p> <p>22 laughter. Lot of work to do. Kathy's over at her</p> <p>23 desk, frigging working. Lots of laughter in Chelsea's</p> <p>24 office, her and Robin, lots -- you know, la la la la,</p> <p>25 laugh, laugh, laugh. So I'm reviewing a complaint and</p> |
| | |
| <p>1 until it clears conflicts. Very firm policy. But</p> <p>2 between me and Clay and Chelsea, he said because of</p> <p>3 our time constraints, you can start working on it</p> <p>4 before it clears conflicts but do not communicate</p> <p>5 outside of the firm. Okay? So he's stretching a</p> <p>6 little bit, but we're not violating. All right?</p> <p>7 Because if it ends up there's a conflict, we'll just</p> <p>8 throw the work away. Right? No one's ever -- it's</p> <p>9 never going to see the light of day. So -- so the</p> <p>10 practice was when Shannon got them, she would save the</p> <p>11 complaints to the system so I could get to the</p> <p>12 complaints because that's the first thing you review</p> <p>13 and then do her conflicts deal and all that, you know,</p> <p>14 but we could get working. So I was admonished to -- I</p> <p>15 can't begin work until Shannon finishes the conflicts,</p> <p>16 and I'm like all right. Well, this is new. And why?</p> <p>17 Like, you know.</p> <p>18 Anyway, so then like a week later she's</p> <p>19 sending them to Robin before Shannon even gets them.</p> <p>20 So -- so she's circumventing the Shannon thing at all</p> <p>21 and she's sending them directly to Robin. So okay, I</p> <p>22 have to wait so that you can then tell me that I'm not</p> <p>23 fast enough, but you're going to send them to Robin</p> <p>24 before they even go to Shannon? Okay. So that's</p> <p>25 disparate; right?</p> | <p>1 there was an injury allegation in there and we don't</p> <p>2 do any injury. That goes to a different team. So I</p> <p>3 come in to tell her that she's going to have to send</p> <p>4 one back to Ford because they had an injury allegation</p> <p>5 in it. But like I walked in the door and like stone</p> <p>6 face. Okay. No more laughing. Okay. How would that</p> <p>7 make you feel? Would that make you feel kind of</p> <p>8 uncomfortable?</p> <p>9 Q. Anything else that's responsive?</p> <p>10 A. What's the initial question? How else was I treated</p> <p>11 differently? To my knowledge, Chelsea didn't lie</p> <p>12 about Robin's performance the way she lied about mine.</p> <p>13 Let's see. What else? It was -- it was pretty bad.</p> <p>14 That's all that's coming to mind right now.</p> <p>15 Q. Okay. So you've identified the -- you believe Chelsea</p> <p>16 lied about your performance but not to your knowledge</p> <p>17 about Robin's. She allowed Robin to start work on new</p> <p>18 cases before the conflicts cleared. You believe she</p> <p>19 treated --</p> <p>20 A. Before they were even done. Because we all</p> <p>21 originally -- I'm sorry.</p> <p>22 Q. She treated you differently on overtime.</p> <p>23 A. Yep.</p> <p>24 Q. Is there -- did I miss anything?</p> <p>25 A. Tone.</p> |

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| <p>1 Q. Anything else about you vis-a-vis Robin?</p> <p>2 A. To my knowledge, she never asked Robin about 3 retirement. Did we say anything else?</p> <p>4 Q. No. Is that complete?</p> <p>5 A. I think so. I mean . . .</p> <p>6 Q. All right. So is there anybody else you claim she 7 treated differently than you who you would consider to 8 be kind of comparable in terms of their job 9 responsibilities?</p> <p>10 A. On this project at that point in time it was just 11 Chelsea, me, Shannon did intake, Clay was the boss 12 that didn't want to be involved, and Robin, and so 13 that -- that was it. That was it.</p> <p>14 Q. What about Lisa Myers?</p> <p>15 A. She didn't get brought in until about a year later.</p> <p>16 Q. Are you claiming that Chelsea treated her differently 17 than you?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. So Robin's the only person who you're claiming was 20 treated differently?</p> <p>21 A. Yes.</p> <p>22 Q. You mentioned that Chelsea asked you about retirement, 23 and you've testified about the retirement party when 24 she made some crack about, you know, now you can retire. When else do you claim that she broached that</p> | <p>1 A. Joe's office is right there. I don't know if he was 2 in it.</p> <p>3 Q. What was that woman's name again?</p> <p>4 A. Jeannie Maison.</p> <p>5 Q. And she heard everything that Chelsea said?</p> <p>6 A. She actually -- well, I believe so because she chimed 7 in when I said I had to be 67 and a half.</p> <p>8 Q. So let's -- got that comment in the context of that 9 conversation and then the comment at the 50th birthday 10 party in October 2015. Do you recall any other time 11 in which she referenced retirement? Do you have a 12 memory of anything?</p> <p>13 A. I mean, if I sat down and meditated on it, I would 14 probably get a picture of some other specific times, 15 but I -- I don't think I can do that in this 16 environment right now, so . . .</p> <p>17 Q. Well, this is your deposition.</p> <p>18 A. I hear you, but if I -- if I can't recall -- again, 19 you know, you're talking from 2015. It's now 2022.</p> <p>20 Q. I understand. I don't want you to make anything up.</p> <p>21 A. Right. Right.</p> <p>22 Q. But I do need to hear what your memory is of anything 23 she said about retirement that you found indicative of 24 some kind of age focus or bias.</p> <p>25 A. All I can tell you if I had to say how many times</p> |
| Page 128 | Page 130 |
| <p>1 topic?</p> <p>2 A. It was frequent. I wouldn't say it was constant, but 3 whenever an event would lend itself, like somebody 4 else's anniversary, or, you know, my subsequent 5 anniversaries or my birthdays or someone maybe else's 6 birthday, there would be a comment.</p> <p>7 Q. Tell me about every one you can remember.</p> <p>8 A. I can only generalize right now. I can't -- other 9 than that one where -- ask Jeannie Maison if she 10 remembers that, that one where it came out that I have 11 to be 67 and a half because Jeannie was surprised by 12 that. So --</p> <p>13 Q. What did Chelsea say in the context of that 14 conversation?</p> <p>15 A. She was the one that started it by saying, "I can't 16 believe after all your years that you can't retire." 17 Like that -- that's almost verbatim.</p> <p>18 Q. How did that conversation get started?</p> <p>19 A. Chelsea started it.</p> <p>20 Q. How would -- why would she say that unless something 21 had preceded it?</p> <p>22 A. Everything was around my birthday in '17.</p> <p>23 Q. In 2017?</p> <p>24 A. I believe so.</p> <p>25 Q. Were there any witnesses other than this one woman?</p> | <p>1 maybe did she ask me, I'd put it around the ten to 12 2 mark.</p> <p>3 Q. But you can't recall the context or the substance?</p> <p>4 A. I mean, if I can't specifically remember where we were 5 like I could with the Jeannie Maison situation when 6 she chimed in, although most of them did take place in 7 that area, I mean, because that's where our area was, 8 so I don't -- maybe Joe Hickey can say how many.</p> <p>9 Q. Did you ever think about the fact that maybe she 10 thought that that was quite an accomplishment and 11 that, you know, she'd look forward herself to retiring 12 when she had 30 years and was able to do so?</p> <p>13 A. That's why I kind of blew them off the first time, the 14 second time. That time in 2017, though, it was almost 15 accusatory. "I -- I can't believe you can't retire."</p> <p>16 Q. But she was referring then to the Social Security 17 requirement; right? Retirement pursuant to Social Security?</p> <p>18 A. No.</p> <p>19 Q. The 67 and a half was a --</p> <p>20 A. It was part of the -- okay. Conversations are 21 conversations. So she was accusatory to me like I was 22 somehow deficient that I couldn't retire after 30 some 23 years, and I -- I remember saying, I don't know if 24 it's verbatim, but pretty darn close, I said,</p> |

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|---|--|
| <p>1 "Chelsea, I was never paid the big bucks and I raised 2 kids and the government wants me to work till I'm 67 3 and a half. So no, I'm not retiring any time soon." 4 Q. But you don't recall how that conversation got 5 started? 6 A. I said like three times Chelsea said. 7 Q. She just blurted that out, "I can't believe you can't 8 retire"? 9 A. Yeah. I mean, again, I think it was around my 10 birthday, so . . . 11 Q. Just out of the blue? 12 A. Yeah. Things would trigger, like either my birthday 13 or my -- something would trigger her to say something. 14 Q. And you don't know whether she was joking or whether 15 she was saying, gosh, you know, I wish I was in a 16 position to retire, I mean, because I look forward to 17 retirement myself? 18 A. By this point I -- I'm no longer joking with her. I 19 took it as a joke earlier because I agree with you. I 20 didn't know she had age bias. And, again, I don't see 21 myself as old, so how could she have age bias against 22 me? I'm not even old. But after so many times and 23 then to be accusatory like I'm deficient, I got mad. 24 Q. Why did you take that as saying you were deficient? 25 A. "I can't believe after all these years you can't</p> | <p>1 MS. HARDY: Sure. 2 (Recess taken at 4:23 p.m.) 3 (Back on the record at 4:30 p.m.) 4 BY MS. HARDY: 5 Q. All right. We took a break and do you feel better? 6 A. Yes. 7 Q. Okay. All right. So let's just finish up on a few 8 things. 9 Do you have any emails between you and 10 Chelsea when -- discussing the wheelchair issue? 11 A. No. 12 Q. So there's nothing in writing that would confirm your 13 story that you asked Sue or Chelsea to remove the 14 wheelchair? 15 A. Chelsea since she's physically there. Right. It was 16 all verbal. Sue, I don't know if she's got a phone 17 recording. It would be there. I don't know if she 18 has such things. 19 Q. Did you leave voicemails for Sue about the wheelchair? 20 A. No. No. Sue called me to borrow it from me and I 21 told her it wasn't mine. So yeah. It was just that. 22 Q. All right. So no emails or written documentation 23 about the wheelchair issue? 24 A. No. 25 Q. All right. What about the retirement issue? Did you</p> |
| <p>1 retire." 2 Q. Deficient in the sense that you hadn't prepared 3 yourself for that? 4 A. Yes. 5 Q. And that's what you assumed? 6 A. That's her tone, her body language. This is now the 7 multiple times that she's asked me about it. 8 Question, answer -- asked and answered. I already 9 told you. So yeah. It got a little more heated that 10 time. So yes. And yes, that's the way I took it. 11 That's all I can do. It's my perception; right? 12 Q. And so your perception was that she wasn't joking? 13 She may have been joking but you didn't take it that 14 way? 15 A. And she's clearly passive-aggressive. Like the 16 birthday was supposed to be a joke. That's supposed 17 to be a joke, but she still gets her digs into the 18 victim, which is me. 19 Q. Okay. So let's talk for a moment about Clay. Do you 20 have any complaints about Clay? 21 A. I need to breathe. Can I just walk around here a 22 little bit? 23 MR. FARRAR: Do you need to take a break? 24 THE WITNESS: Yeah. I'm just really upset. 25 Can we take a five-minute break, please?</p> | <p>1 ever -- did Chelsea ever make any comment about 2 retirement, joking or otherwise, in an email? 3 A. No. 4 Q. Did you ever say anything to Chelsea in an email that 5 you sent her about, you know, -- I don't think the 6 retirement questions or comments are funny? 7 A. No. 8 Q. Anything to that effect? 9 A. No. 10 Q. All right. So let's go to Clay. Do you have any 11 complaints about Clay that are relevant to the issues 12 in this lawsuit? 13 A. No. 14 Q. What do you think Clay has knowledge of that would 15 be -- have any bearing on what you have to say about 16 the issues here? 17 A. I would be curious because it became somewhat apparent 18 that Chelsea was bad-mouthing me to Clay, so I would 19 be curious as to what Chelsea said to Clay. I would 20 be curious to know. 21 Q. Okay. You think she may have complained about you to 22 Clay? 23 A. Right. And there was an example. So we're finalizing 24 the assessments and -- and Clay said -- let me think 25 if I can get it verbatim. He said, "You've gotta be</p> |

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|---|--|
| <p>1 more careful because Chelsea said she keeps having to 2 make the same corrections."</p> <p>3 And I -- and I -- and I -- as Chelsea and I 4 were walking back to our side of the office I said, 5 "What corrections?"</p> <p>6 And they were like, "She wants an acronym 7 in all caps."</p> <p>8 Well, she never told me that. That might 9 have been during one of the launch meetings that I 10 wasn't there. So that was one. And because of the 11 limited space on the spreadsheets, sometimes every 12 character mattered, so Chelsea actually initiated 13 this. Instead of writing out miles for the mileage 14 she did MI. So consistency was a big thing in our 15 spreadsheet. We wanted it consistent. So I would go 16 through and make them all MI because we're 17 consistency. But no. She only wanted it MI if we 18 needed the character spacing, so she was going back in 19 and making them all miles. Well, she should have told 20 me.</p> <p>21 Q. But let's stay with Clay. Did Clay ever say anything 22 to you critical of Chelsea?</p> <p>23 A. No.</p> <p>24 Q. Did he ever say anything to you critical of the firm 25 about how you were treated?</p> | <p>1 intercede.</p> <p>2 Q. Did you talk to Sue about wanting your title to be 3 changed from administrative assistant?</p> <p>4 A. I sent her the email when I first discovered she had 5 changed it, and I said, "How am I going to get work 6 when you've changed my title?" Because remember 7 secretaries are assigned. Paralegals have to find 8 their work. Well, you just gave me a secretarial 9 title and told me to go find my work. So how does 10 that work? Are you setting me up for failure here? 11 So yes, there is an email where I said to Sue, and I 12 clipped the definition from the web where it said 13 paralegal/legal assistant is on the basis of 14 education, experience, or training, and I highlighted 15 the experience and training and I said I am qualified 16 for this different title.</p> <p>17 Q. And that's when Sue told you then go apply for a 18 paralegal job in the firm?</p> <p>19 A. No. That was -- that was later. That was when she 20 said I was in a gray area.</p> <p>21 Q. And she told you to apply and you never did?</p> <p>22 A. I already had a job. I mean, I should have gotten out 23 of it, hindsight.</p> <p>24 Q. Why didn't you apply for a paralegal job when the work 25 with Clay got phased out in March 2017?</p> |
| <p>Page 136</p> <p>1 A. No.</p> <p>2 Q. Did he ever express any disagreement with any of the 3 decisions that were made or any of the criticisms that 4 were lodged against you?</p> <p>5 A. He -- yes. As to my title. So when -- so in August 6 of '17 when Sue unilaterally changed my title and then 7 I got this project through Clay, I asked Clay if I 8 could get my title back because at the client that 9 hierarchy is kind of important, you know, that and -- 10 and so --</p> <p>11 Q. The project administration title?</p> <p>12 A. Yeah. Or legal assistant, anything. So I -- but then 13 I never heard back from Clay, so . . . But then when 14 I asked the second time, he said, "Well, when I 15 checked back in August or whatever, Sue said no."</p> <p>16 So I guess he actually did check. He just 17 didn't tell me he checked and -- and I said, "Well, do 18 you agree with that or something?"</p> <p>19 And he said, "No. I'll ask her again."</p> <p>20 And that's when I said, "Well, why is it up 21 to Sue?"</p> <p>22 Q. What did he say?</p> <p>23 A. I think he made a gesture.</p> <p>24 Q. Did you talk to Sue about the title?</p> <p>25 A. That -- those were the emails. Clay said he would</p> | <p>Page 138</p> <p>1 A. I think there weren't any posted.</p> <p>2 Q. And you didn't bother to apply thereafter even though 3 you clearly knew at that point that your title within 4 the firm was administrative assistant?</p> <p>5 A. But I objected to it.</p> <p>6 Q. You may have objected to it, but you knew that that 7 was the title and you didn't like it, and if you 8 didn't like it, then your other option was to apply 9 for a paralegal job?</p> <p>10 A. Well, when -- that's not exact -- you didn't work 11 there, so you don't know the environment. When I got 12 the new project, that was a new paralegal job. Okay? 13 So I actually was successful in securing new work for 14 myself.</p> <p>15 Q. Your title was administrative assistant?</p> <p>16 A. According to Sue.</p> <p>17 Q. Where did you get the impression it was a paralegal 18 job?</p> <p>19 A. On that agenda that I mentioned that I think you have, 20 it says DPS6 litigation team, Kathy Liebau, paralegal, 21 case assessments.</p> <p>22 Q. Who prepared that?</p> <p>23 A. Paul Nystrom.</p> <p>24 Q. So that's what you base your understanding on that you 25 moved into a paralegal job when you started to work on</p> |

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| <p>1 the lemon law project?</p> <p>2 A. I was already in a paralegal job. There was a couple 3 of months where the discovery work had gone away. 4 There were a couple of months where I didn't have a 5 specific assignment but I was still doing the 6 transition of the discovery work to the client, so I 7 was still doing discovery work during the summer and 8 then I got the new project. So we're only talking two 9 months, and, again, I was doing transition work, so I 10 was never an administrative assistant.</p> <p>11 Q. Let's go -- we're going to adjourn in the next few 12 minutes and then come back at a later date that we 13 agree upon with your counsel, but before we adjourn, I 14 have a question about Sue Choma. You mentioned early 15 on that you kind of considered her to be somebody who 16 was part of what you considered the age discrimination 17 at the firm, but you haven't said anything specific 18 about her at least today that identifies why you would 19 associate her with age discrimination.</p> <p>20 A. Well, based on Chelsea's bias and Chelsea telling lies 21 about my performance, I would give Sue documents that 22 prove that Chelsea's allegations on my performance 23 were false and she refused to consider it, and so to 24 me if someone's impartial and not, you know, not -- 25 not allowing this other person to be age bias, they</p> | <p>1 Right?</p> <p>2 A. I can't answer that the way you said it.</p> <p>3 Q. Well, let me rephrase it, then. You had a 4 conversation with Sue at the time the project with 5 Clay was being phased out about the fact that you were 6 in an administrative assistant classification and you 7 needed --</p> <p>8 A. No. Incorrect.</p> <p>9 Q. -- to -- what's incorrect?</p> <p>10 A. She did not inform me at that time that I was in an 11 administrative position. She never informed me. I 12 saw it when I got some work with Dave George doing 13 discovery work and I copied myself so that I could 14 follow up and I saw she had changed it. She never had 15 the decency to even tell me that she did that. I just 16 saw it on the email, and that's when I sent her the 17 email and I said, "Sue, I just saw that you have 18 changed my title." And that's when I clipped the 19 thing. So no, that is incorrect what you were saying.</p> <p>20 Q. All right. And in the course of trying to help you 21 get relocated within the firm following the phaseout 22 of Clay Guise's work, she said you needed to reinvent 23 yourself? That's your testimony; right?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And why did you take exception to that? I</p> |
| <p>Page 140</p> <p>1 would have -- you know, at least acknowledge and 2 accepted it and looked into it a little bit more 3 closely that, okay, well, I guess you don't want to 4 get into details here, but I gave her documentation 5 and you guys have this.</p> <p>6 And then, secondly, when -- during a 7 meeting just after the discovery project ended, Sue 8 herself used words like "You have been at the firm for 9 an extremely long time and you have been on the 10 discovery project for a long time and so it's time you 11 reinvent yourself." To me like -- like, okay, what do 12 you mean by that? And to me that was discriminatory. 13 I think that.</p> <p>14 Q. But she meant and you knew that she meant that you 15 didn't have a job because your prior job had been 16 phased out, no fault of your own but it was phased 17 out, and that you needed, since your title was 18 administrative assistant, to make yourself skill-wise 19 able to perform that function; right?</p> <p>20 MR. FARRAR: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. I don't even know how to answer that. You called me 23 an administrative assistant again. So that's false.</p> <p>24 BY MS. HARDY:</p> <p>25 Q. But you had that conversation with Sue at that time.</p> | <p>Page 142</p> <p>1 mean, you did need to find a new job in the firm; 2 right?</p> <p>3 A. Okay. Well, reinvent yourself. I had decades and 4 decades of people seeking me out for harder and harder 5 and more responsibility work. My work was commended 6 over and over and over again, my accuracy, my 7 demeanor, my -- so why exactly would you take these 8 traits and reinvent them? Like --</p> <p>9 Q. Did you know --</p> <p>10 A. Like where does that come from?</p> <p>11 Q. Was there another job that you were aware of in the 12 spring of 2017 that you could have moved into and done 13 comparable work to what you've done for Clay Guise 14 that you were aware of?</p> <p>15 A. Once that did end, and, again, I was continuing to do 16 transition work, I was also Lisa Myers' paralegal, I 17 had a sick aunt, so I was covering her cases during 18 the same period, and then I reached out to people in 19 our group that -- I did not know Dave George 20 personally, but I knew April, and through April I got 21 to work with Dave George, so I didn't have to reinvent 22 myself because my traits are solid. What I needed to 23 do was go find some work that needed to be done, which 24 I did.</p> <p>25 Q. Well, that's my question. Spring of 2017 before the</p> |

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| <p>Page 143</p> <p>1 lemon law project came around in October 2017 -- 2 A. September. 3 Q. September or October. Was there a job that you were 4 aware of where you could have done work comparable to 5 what you'd done for Clay Guise that was open? 6 A. I gotta laugh because clearly not. Why would I be 7 looking for a job when I had a job? Once it happened, 8 I did seek work. So you're asking me did I look for 9 work before the one was gone. No. 10 Q. No. I'm asking whether there was a job opening at the 11 firm. 12 A. I have no idea. 13 Q. Okay. 14 MS. HARDY: All right. Let's wrap up for 15 the day. 16 (The deposition was concluded at 4:44 p.m. 17 Signature of the witness was not requested by 18 counsel for the respective parties hereto.) 19 20 21 22 23 24 25</p> | |
| <p>Page 144</p> <p>CERTIFICATE OF NOTARY STATE OF MICHIGAN)) SS COUNTY OF WAYNE)</p> <p>I, Cheri L. Poplin, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.</p> <p>Cheri L. Poplin, CSR 5132, RPR, CRR Notary Public, Wayne County, Michigan My Commission expires: August 21, 2025</p> | |

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EXHIBIT 1

KATHLEEN LIEBAU Volume II
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHLEEN L. LIEBAU,

Plaintiff,

vs.

Case No. 21-cv-11823

Hon. George Caram Steeh

DYKEMA GOSSETT, PLLC, a Mag. Judge David R. Grand
Michigan professional limited
liability company,

Defendant.

The Videotaped Deposition of KATHLEEN LIEBAU,
Volume 2,
Taken at 280 North Old Woodward Avenue, Suite 400,
Birmingham, Michigan,
Commencing at 1:13 p.m.,
Thursday, April 7, 2022,
Before Cheri L. Poplin, CSR-5132, RPR, CRR.

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APPEARANCES:

FOR PLAINTIFF:

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ALSO PRESENT:

James Hermon, Dykema Gossett
George Larkins, Video Technician

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| 1 | TABLE OF CONTENTS | | |
| 2 | | | 1 Counsel, please state your appearances for |
| 3 | WITNESS | PAGE | 2 the record, after which the court reporter will swear |
| 4 | KATHLEEN LIEBAU | | 3 in the witness. |
| 5 | | | 4 MR. FARRAR: Brian Farrar on behalf of the |
| 6 | EXAMINATION BY MS. HARDY | 149 | 5 plaintiff. |
| 7 | EXAMINATION BY MR. FARRAR | 312 | 6 MS. HARDY: Elizabeth Hardy on behalf of |
| 8 | RE-EXAMINATION BY MS. HARDY | 315 | 7 Dykema Gossett. |
| 9 | | | 8 KATHLEEN LIEBAU, |
| 10 | EXHIBITS | | 9 was thereupon called as a witness herein, and after |
| 11 | | | 10 having first been duly sworn to testify to the truth, |
| 12 | EXHIBIT | PAGE | 11 the whole truth and nothing but the truth, was |
| 13 | (Exhibits attached to transcript.) | | 12 examined and testified as follows: |
| 14 | EXHIBIT 1 | 150 | 13 EXAMINATION |
| 15 | EXHIBIT 2 | 150 | 14 BY MS. HARDY: |
| 16 | EXHIBIT 3 | 157 | 15 Q. Good afternoon, Ms. Liebau. We're here to continue |
| 17 | EXHIBIT 6 | 159 | 16 with your deposition. I would like to start by asking |
| 18 | EXHIBIT 7 | 162 | 17 you some questions about what you did to familiarize |
| 19 | EXHIBIT 4 | 170 | 18 yourself as an employee at Dykema Gossett with firm |
| 20 | EXHIBIT 9 | 194 | 19 policies, policies that pertain to timekeeping, |
| 21 | EXHIBIT 10 | 213 | 20 overtime hours, et cetera. You're familiar with their |
| 22 | EXHIBIT 11 | 240 | 21 policy manual? |
| 23 | EXHIBIT 12 | 258 | 22 A. Familiar with it. Did not read it on any regular |
| 24 | EXHIBIT 13 | 267 | 23 basis. |
| 25 | EXHIBIT 15 | 301 | 24 Q. You did take the time to read it at some point, didn't |
| | | | 25 you? |
| | | Page 148 | Page 150 |
| 1 | Birmingham, Michigan | | 1 A. Probably 35 years ago when I first got hired. |
| 2 | Thursday, April 7, 2022 | | 2 Q. So you didn't keep abreast of at least on an annual |
| 3 | 1:13 p.m. | | 3 basis of what the firm policies were that applied to |
| 4 | | | 4 you as an employee? |
| 5 | VIDEO TECHNICIAN: We are now on the | | 5 A. Have you seen the firm manual? It's inches thick. |
| 6 | record. The time is 1:13 p.m. on April 7th, 2022. | | 6 And typically if there was some change, it would be |
| 7 | Audio and video recording will continue to take place | | 7 communicated to the staff. |
| 8 | until all parties agree to go off the record. Please | | 8 Q. But you had taken the time as an employee to read it |
| 9 | note that microphones are sensitive and may pick up | | 9 at some point in time and then to keep abreast of |
| 10 | whispers or private conversations. This is the video | | 10 changes as they occurred; is that fair? |
| 11 | recorded proceeding of Kathleen L. Liebau, Volume 2, | | 11 A. Yes. |
| 12 | taken by counsel for the defendant in the matter of | | 12 Q. Okay. You knew it was posted on a firm website; |
| 13 | Kathleen Liebau versus Dykema Gossett, PLLC, filed in | | 13 correct? |
| 14 | the United States District Court for the Eastern | | 14 A. Yes. |
| 15 | District of Michigan, Southern Division. This | | 15 Q. And if you had any questions about what the policy was |
| 16 | proceeding is being held at Kienbaum Hardy Law Firm | | 16 as it pertained to timekeeping or overtime or hours |
| 17 | located at 280 North Old Woodward Avenue, Birmingham, | | 17 worked or lunch breaks, you could always go to the |
| 18 | Michigan. | | 18 policy manual and refresh your memory; correct? |
| 19 | My name is George Larkins, notary and | | 19 A. Certainly. |
| 20 | certified legal video specialist on behalf of US Legal | | 20 (Marked EXHIBITS 1 AND 2 for |
| 21 | Support located at 28411 Northwestern Highway, | | 21 identification) |
| 22 | Southfield, Michigan. I am not related to any party | | 22 BY MS. HARDY: |
| 23 | in this action nor financially interested in the | | 23 Q. Okay. All right. So I've marked as Deposition |
| 24 | outcome. The court reporter today is Cheri Poplin on | | 24 Exhibit Number 1 excerpts from the document entitled |
| 25 | behalf of US Legal Support. | | 25 Standard Practice Manual that was posted on the firm |

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EXHIBIT 1

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|---|--|
| <p>1 website in 2018, and then I've also marked as 2 Deposition Exhibit Number 2 excerpts from the firm 3 manual from 2019, and this was also posted on the firm 4 website.</p> <p>5 Can you take a moment and look through, 6 glance through the pages that are attached to 7 Exhibits 1 and 2?</p> <p>8 And for the record, I'll indicate that the 9 language with respect to the attached policies is the 10 same for '18 and '19, so you don't need to look 11 through both of them, unless you choose to do so. 12 You'll see the first page attached, Number 2, is the 13 section "Attendance/Payroll," "Breaks and Lunch 14 Periods." Then next there is a section attached on 15 "Overtime - Non-Exempt Employees." There is a section 16 attached on "Timecard - Non-Exempt Staff," one 17 attached on "Late Arrival/Early Departure," one 18 attached on "Telecommuting/Work from Home Policy," and 19 then toward the end you'll see one attached on 20 "Confidential Firm Information."</p> <p>21 A. Fine.</p> <p>22 Q. Okay. Have you looked at in 2018 this version of the 23 manual?</p> <p>24 A. No.</p> <p>25 Q. All right. Do you have any reason to dispute that</p> | <p>1 see what's stated on the website about the policy? 2 A. No. I did not go to the website to see. 3 Q. Are you claiming special rules applied to you? 4 A. I don't think I said that. 5 Q. Okay. So whatever's stated in Exhibit 1 and 2 in 2018 6 and '19 are the policies that applied to you along 7 with all other administrative employees; correct? 8 A. It speaks for itself. I can't say what's in it. 9 Q. Okay. All right. So let's switch gears to the 10 documents that you produced this week, quite a 11 voluminous number. There were 581 documents that were 12 Bates stamped and hundreds more that were not Bates 13 stamped. Where were those documents prior to this 14 week? 15 A. My garage. 16 Q. They were, what, in hard copy in your garage? 17 A. The work-related stuff I was directed to just produce 18 even if it was just work-rela -- like not 19 issue-related that we're discussing here, but anything 20 even work-related I -- I was told to just give them 21 everything, so I did. 22 Q. Everything that was produced this week came from your 23 garage? 24 A. Not the work-related stuff that was labeled all 25 confidential client documents, no. Those were on my</p> |
| Page 152 | Page 154 |
| <p>1 this manual applied to you as an employee, 2 administrative employee at the firm?</p> <p>3 A. It applied to everyone in the firm.</p> <p>4 Q. Okay. So if you had any question about what the 5 policy was, let's say, for instance, you had a dispute 6 with Sue Choma or Chelsea Larsen about whether they 7 were correctly stating the policy, you always had 8 access to Exhibits 1 in '18 and then Exhibit 2 in 2019 9 so that you could go to the firm website and check out 10 the policy to see whether it was being accurately 11 applied to you; correct?</p> <p>12 A. The potential was there. I --</p> <p>13 Q. Did you ever resort to looking at the firm policy when 14 you had a dispute with your supervisor, Sue Choma, or 15 one of the attorneys about what the firm policy was on 16 the issues in dispute?</p> <p>17 A. On my day-to-day work I was not -- the firm manual was 18 not even in conscious thought. It's not something 19 that you live in a day-to-day doing your work kind 20 of job, so . . .</p> <p>21 Q. When you're having a dispute with Sue Choma about 22 whether or not overtime policy is being applied 23 correctly to you, working from home policy is being 24 applied correctly, timekeeping policy, you didn't go 25 back and look at the firm manual on those issues to</p> | <p>1 computer. 2 Q. All right. So describe what was on your computer 3 versus in the garage. And if the smaller number of 4 documents was on your computer, what did that consist 5 of? 6 A. Okay. You kind of asked me more than one question 7 here, so . . . You want to know what was in my 8 garage -- 9 Q. No. I want to know what was on your computer. 10 A. Like I just said, the documents that were client that 11 was just me doing work, then I needed those documents 12 to do my work over than more than a decade, so those 13 were just for work. And then there were some things 14 on my computer that I exchanged with the EEOC that I 15 didn't produce in the first batch because that was 16 with the EEOC, and I was under the assumption that you 17 guys also had access to the portal so didn't need 18 anything from the EEOC because you would have already 19 had it. 20 Q. Where did you acquire that understanding that you 21 didn't have to produce documents if you thought we 22 might get them from the EEOC? 23 A. Well, there's a EEOC portal that both Dykema and I had 24 access to, and in my work and the discovery work that 25 it's unduly burdensome for me to have to produce</p> |

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|--|---|
| <p>1 something you already have.</p> <p>2 Q. Was that just your own understanding that you brought 3 into play?</p> <p>4 A. No. It's -- it's -- it's a pretty standard objection 5 when people ask for, you know, things they already 6 have.</p> <p>7 Q. Well, did you make that decision on your own or did 8 you do that at direction of counsel?</p> <p>9 MR. FARRAR: I'll instruct the witness not 10 to disclose any advice I may have given her.</p> <p>11 BY MS. HARDY:</p> <p>12 Q. Did you make that decision on your own that you 13 weren't obligated to produce documents that you 14 thought we might find on the EEOC portal?</p> <p>15 A. I thought you had them from the EEOC portal.</p> <p>16 Q. All right. So let's talk about what's in your garage. Those were the documents that you gave to the EEOC?</p> <p>17 A. No.</p> <p>18 Q. What was in the garage?</p> <p>19 A. The 34 years of annual reviews and random things that 20 I had printed over the years.</p> <p>21 Q. All right. So on your computer was all the documents 22 that you gave to the EEOC?</p> <p>23 A. Correct.</p> <p>24 Q. And what else was on -- did you find on your computer</p> | <p>1 week, the --</p> <p>2 A. And the original production.</p> <p>3 Q. All right. So you have -- in the production that you 4 did this week, all of your work-related documents, 5 even if they don't pertain to this lawsuit itself, we 6 have those as well; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And what remains on your computer today?</p> <p>9 A. Personal issues, my children's college, my taking care 10 of my mother-in-law.</p> <p>11 Q. Related to Dykema Gossett.</p> <p>12 A. Nothing.</p> <p>13 Q. Do you still have all the documents that you gave to 14 the EEOC on your computer?</p> <p>15 A. Yes.</p> <p>16 (Marked EXHIBIT 3 for identification)</p> <p>17 BY MS. HARDY:</p> <p>18 Q. So let me show you what's been marked as Deposition 19 Exhibit 3, which is an email that was sent to you by 20 Brian Moore on September 8, 2019. Let me correct for 21 the record. Originally the email was sent on 22 August 29, 2019, to you asking you to immediately 23 delete and purge all emails and documents related to 24 the firm that you had sent from the firm to your Gmail account, and then, again, on September 8 he emails you</p> |
| <p style="text-align: center;">Page 156</p> <p>1 after the last deposition?</p> <p>2 A. I think I answered that. The things that I -- the 3 communications from the EEOC investigator, so . . .</p> <p>4 Q. Did you have other work-related documents on your 5 computer?</p> <p>6 A. No.</p> <p>7 Q. All right. So the computer was strictly the EEOC 8 exchanges, documents you sent them and information you 9 received from them?</p> <p>10 A. Plus the client documents that I used over the years 11 to do work, and then there was issues relating to this 12 dispute with the EEOC, and so those included not only 13 what I had, you know, put into exhibit format but the 14 rough email that I had given myself, so you got them 15 both ways, both marked as Exhibit 2, for example, and 16 me sending it to myself, so you got them twice.</p> <p>17 Q. All right. Have you produced as of today all 18 documents that you have in your possession that in any 19 way relate to your employment at Dykema Gossett?</p> <p>20 A. Yes.</p> <p>21 Q. So we have everything from your garage and we have a 22 copy of everything that is on your computer; is that 23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And that was the production that came this</p> | <p style="text-align: center;">Page 158</p> <p>1 concerning the same topic asking you to confirm 2 receipt of his email below in compliance with his 3 instructions. Have you read that document?</p> <p>4 A. (Nodding.)</p> <p>5 Q. Did you read that when you received it on August 29?</p> <p>6 A. And I basically gave him the finger in my mind and 7 deleted it because I knew we were coming to a lawsuit. 8 I'm not giving away every piece of evidence that I 9 have.</p> <p>10 Q. So you thought you had a right to take evidence from 11 the firm and take it into your personal possession for 12 use in a lawsuit to advance your interests?</p> <p>13 MR. FARRAR: Objection to form. 14 You can answer.</p> <p>15 A. And I'm not going to answer in that form. I have a 16 right to defend myself against false allegations made 17 against me, and yes, I do believe I have a right to 18 defend myself.</p> <p>19 BY MS. HARDY:</p> <p>20 Q. And that right in your view includes taking documents 21 without approval from the firm that you think, 22 irrespective of whether they're confidential 23 documents, that you can then use on your own behalf; 24 is that correct?</p> <p>25 A. They related to me, so yes.</p> |

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| <p>1 (Marked EXHIBIT 6 for identification)</p> <p>2 BY MS. HARDY:</p> <p>3 Q. All right. Let's go to Exhibit Number 6.</p> <p>4 MR. FARRAR: Are we skipping 4 and 5?</p> <p>5 MS. HARDY: Yep. We're going to go back to</p> <p>6 4 and 5.</p> <p>7 MR. FARRAR: Okay.</p> <p>8 MS. HARDY: So I am marking Exhibit</p> <p>9 Number 6 for the record, which was an Exhibit 4 to a</p> <p>10 submission made by the plaintiff to the EEOC, and it</p> <p>11 has a Bates stamp from the FOIA response 0165 through</p> <p>12 198. The version that I am making a part of this</p> <p>13 record is heavily redacted because of the confidential</p> <p>14 information contained therein. I'm going to provide a</p> <p>15 copy for Ms. Liebau to look at that is not redacted</p> <p>16 just for the purposes of my question and then I'm</p> <p>17 going to want it back. I'll provide a copy to counsel</p> <p>18 as well.</p> <p>19 BY MS. HARDY:</p> <p>20 Q. So Exhibit Number 4 appears to be time records;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. All right. Billed to the client; correct?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And they're records of the time that you</p> | <p>1 A. They're available. You can search anyone.</p> <p>2 Q. You're not supposed to be looking at other people's</p> <p>3 time records, are you?</p> <p>4 A. People aren't supposed to be spreading rumors and</p> <p>5 false allegations about other people either.</p> <p>6 Q. So you thought -- the fact that you had an issue with</p> <p>7 Chelsea Larsen, you thought that entitled you to take</p> <p>8 from the firm the time records of other employees and</p> <p>9 to give them to an outside third party --</p> <p>10 A. I think that I am entitled --</p> <p>11 Q. Let -- let -- let me finish my question.</p> <p>12 MS. HARDY: Can you please read it back?</p> <p>13 COURT REPORTER: So you thought that the</p> <p>14 fact that you had an issue with Chelsea Larsen, you</p> <p>15 thought that entitled you to take from the firm the</p> <p>16 time records of other employees and to give them to an</p> <p>17 outside third party --</p> <p>18 BY MS. HARDY:</p> <p>19 Q. And I'm going to add to my question in unredacted</p> <p>20 form.</p> <p>21 A. All right. Well, that's three questions, so would you</p> <p>22 like to break them down one at a time?</p> <p>23 Q. No. It is not three questions. Just respond.</p> <p>24 A. My answer -- my answer to all of them is that I was</p> <p>25 being falsely accused of something and I needed some</p> |
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| <p>1 billed to a client; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And they're records of Robin Kowalski and time she</p> <p>4 billed to the client; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And is Lisa Myers -- yeah, and Lisa Myers is included</p> <p>7 in here as well, some of her time records; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Where did you get the time records of Robin Kowalski</p> <p>10 and Lisa Myers?</p> <p>11 A. Printed them off the system.</p> <p>12 Q. You went into the system and looked for another</p> <p>13 employee's time records and printed them off?</p> <p>14 A. Chelsea Larsen because of her age bias was spreading</p> <p>15 that I was slow. She was telling our partner in</p> <p>16 charge and others that I was slow in my work and that</p> <p>17 she -- she made a false allegation that I was away</p> <p>18 from my desk too much. And so yes, this is to</p> <p>19 defend -- if you look at these records, I did more</p> <p>20 work in a shorter amount of time than either of the</p> <p>21 other two paralegals. So yes, I felt that I needed</p> <p>22 this to defend myself against her allegations that I</p> <p>23 was slow.</p> <p>24 Q. How did you manage to get the time records of other</p> <p>25 employees?</p> | <p>1 way to prove the falsity of these rumors and</p> <p>2 statements that Chelsea Larsen was spreading about me</p> <p>3 and then repeated by Sue Choma. This is proof that I</p> <p>4 did more work faster than the other two paralegals.</p> <p>5 So when it comes to defending myself against someone</p> <p>6 as large as a law firm like -- and of course</p> <p>7 everything's going to be protected. We're -- we. I'm</p> <p>8 not we anymore. They're a law firm. So virtually we</p> <p>9 can't talk about anything because we're a law firm.</p> <p>10 But this happened to me and I needed a means to</p> <p>11 protect myself. And yes, I do feel that I was</p> <p>12 entitled to do that.</p> <p>13 Q. Okay.</p> <p>14 A. I think a person has a right to defend themselves.</p> <p>15 Q. All right. Can I have back the unredacted copies?</p> <p>16 Thank you.</p> <p>17 (Marked EXHIBIT 7 for identification)</p> <p>18 MS. HARDY: Let the record reflect I'm</p> <p>19 showing the witness Exhibit Number 7, which is another</p> <p>20 grouping of firm documents that she gave to the EEOC</p> <p>21 or submitted to the EEOC in connection with her</p> <p>22 submissions, and they have a Bates stamp at the bottom</p> <p>23 EEOC FOIA Response 0199 through 0211. Again, for the</p> <p>24 record, I am making a heavily redacted copy the</p> <p>25 exhibit, but I am providing to plaintiff and her</p> |

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|--|---|
| <p>1 counsel a unredacted copy just for the purposes of 2 your testimony, but do not testify to any names of 3 clients or any of the details that are covered by the 4 protective order in this case.</p> <p>5 BY MS. HARDY:</p> <p>6 Q. So let me -- okay. And here's for you. I'll ask for 7 these documents back prior to the completion of the 8 deposition.</p> <p>9 So starting on Bates stamp 0201, this 10 appears to be a Summary of Case Evaluations and 11 Authority Requests marked "Privileged: 12 Attorney-Client Work Product." That was a stamp that 13 was routinely on this document and placed on it by the 14 firm; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So do you understand what an attorney-client 17 privileged document is and the significance of not 18 revealing it to a third party?</p> <p>19 MR. FARRAR: Objection to form.</p> <p>20 A. I also want to say that these were submitted to the 21 EEOC with a confidential label. So if they don't 22 respect confidential labels -- because clearly this 23 isn't going to prove anything, is it? A fully 24 redacted blank piece of paper. How is that going to 25 prove anything? This, on the other hand, shows the</p> | <p>1 for a law firm. So virtually everything is protected. 2 So what? I have no rights because I work for a law 3 firm and they can treat me any way they want and make 4 any false accusation that they want? I don't believe 5 that's true.</p> <p>6 Q. Are there in your view any limits to firm property 7 that you couldn't just take and make your own decision 8 to take to advance your interests in this lawsuit?</p> <p>9 A. Did I post these on the internet? No. Did I give 10 them to a confidential investigator at the EEOC? Yes, 11 I did.</p> <p>12 Q. You didn't have authorization to take Exhibit 6, did 13 you? Those are the billing records. No one gave you 14 authorization to take the billing records that have 15 been marked as Exhibit Number 6; correct?</p> <p>16 A. No.</p> <p>17 Q. And no one gave you authorization to take the Summary 18 of Case Evaluation and Authority Request which is 19 marked privileged attorney-client work product, did 20 they?</p> <p>21 A. No.</p> <p>22 Q. Now, the purpose of taking the attorney-client 23 document which has been marked as Exhibit Number 7 was 24 to just show that Robin Kowalski had typos in a report 25 she prepared?</p> |
| <p style="text-align: center;">Page 164</p> <p>1 errors that I was correcting for Robin for well over a 2 year. So a redacted, does that mean anything to 3 anybody? Is that -- is that going to show anything? 4 No, it's not. And I did believe the EEOC would hold 5 them in confidence. I -- they're an administrative 6 agency. I believed that they would hold them in 7 confidence, and they were marked confidential.</p> <p>8 BY MS. HARDY:</p> <p>9 Q. So you again believed you had a right to take from the 10 firm without author -- without receiving authorization 11 documents that are stamped by the firm privileged 12 attorney-client work product and to use them for your 13 own purposes and to distribute them to third parties; 14 correct?</p> <p>15 A. I have a right to defend myself.</p> <p>16 Q. And that includes stealing from the firm documents 17 that are marked privileged attorney-client work 18 product; correct?</p> <p>19 MR. FARRAR: Objection to form.</p> <p>20 A. I will not admit to stealing anything.</p> <p>21 BY MS. HARDY:</p> <p>22 Q. Well, how is it not stealing?</p> <p>23 A. I have a right to defend myself against false and 24 fraudulent allegations against my work, my reputation, 25 my character, and how else would I show it? We work</p> | <p style="text-align: center;">Page 166</p> <p>1 A. It was to show the differing treatment between -- I 2 would be criticized, harshly reprimanded for a typo, 3 one. The big thing -- I mentioned in my last 4 deposition where she -- an acronym was supposed to be 5 in all caps and I was just initial capping it. I took 6 a beating for that. And yet -- and yet Robin, the 7 younger one, can do this for over a year and face zero 8 reprimand and zero criticism? Yes. That was 9 different treatment.</p> <p>10 Q. Do you have any physical evidence that you were given 11 a harsh reprimand or a severe beating for a typo?</p> <p>12 A. Yes. They're in my -- starting 2018 my reviews 13 started tanking. She's making typos, like one 14 occasionally here and there. Not this. Not that.</p> <p>15 Q. All right. So --</p> <p>16 A. Yes.</p> <p>17 Q. So your 2018 performance review which reflects your 18 2017 performance is in your view a harsh reprimand and 19 a severe beating for typos?</p> <p>20 A. I do speak casually. It was a harsh reprimand for 21 minor typos. And the -- the quantity of work 22 that we were pumping out, under normal circumstances 23 if Chelsea didn't have this age bias against me and 24 wasn't trying to get me fired, a minor typo would 25 never even be mentioned, you know. Like, for example,</p> |

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|--|---|
| <p>1 in your dep notice -- did you guys ever look at the 2 dep notice to me?</p> <p>3 Q. You're not here to ask --</p> <p>4 A. Well, you've got --</p> <p>5 Q. -- questions about -- of us --</p> <p>6 A. -- you've got Ford Motor Company is deposing me.</p> <p>7 Q. -- or about --</p> <p>8 A. I would get in such trouble for that, and yet you guys 9 let this typo go three times and nobody caught it.</p> <p>10 For me, I would have gotten -- oh, I would have gotten 11 beat for that. Again, beat, not literally. Yeah.</p> <p>12 Funny, isn't it?</p> <p>13 Q. Do you have any other examples of written harsh 14 reprimands or beatings that you took for typos other 15 than what you claim is in your 2018 performance 16 review?</p> <p>17 A. I think they mentioned typos in my '19. They said 18 slow down enough to not make a typo, so which 19 basically says you're going like a racehorse, but, oh, 20 don't even make not even one typo.</p> <p>21 Q. Do you have any examples of written documentation on 22 harsh reprimands for typos other than your '18 and '19 23 performance reviews?</p> <p>24 A. Not off the top of my head. I don't recall. Or was 25 it in anything I gave you. I don't know.</p> | <p>1 Probably.</p> <p>2 Q. All right.</p> <p>3 A. But . . .</p> <p>4 Q. So you kept -- despite receiving that notification of 5 Mr. Moore, you didn't comply with it; correct?</p> <p>6 A. I have a right to defend myself.</p> <p>7 Q. Well, just answer the question. You did not comply 8 with his request that you delete --</p> <p>9 A. I'm no longer employed by him or the firm.</p> <p>10 Q. Answer the question.</p> <p>11 A. Why would I comply?</p> <p>12 Q. Did you show the letter from Mr. Moore to your 13 attorney?</p> <p>14 A. No.</p> <p>15 Q. Had you already given your attorney copies of the 16 documents that you had transferred to your Gmail 17 account from the firm --</p> <p>18 A. Say that again. I lost you.</p> <p>19 Q. Had you already given to your attorney copies of the 20 documents that you transferred from Dykema to your 21 Gmail account before you received the letter from 22 Mr. Moore? And, again, the letter is dated -- the 23 initial letter is dated August -- or email is dated 24 August 29, 2019.</p> <p>25 A. I don't recall.</p> |
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| <p>1 Q. Now, you received a meets expectations on both of 2 those reviews; correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you think that's a harsh reprimand?</p> <p>5 A. That's another point. When we switched to this new 6 format, Sue shouldn't have written anything under 7 needs improvement or learning. That should have been 8 empty. It should have been meets expectation, done.</p> <p>9 But she took it upon herself to give this long 10 dissertation of criticisms even though I met 11 expectations. Why did she put those on there? Under 12 the -- again, under the new format it was supposed to 13 be if you meet expectations, done.</p> <p>14 Q. All right. So why did you not respond to Mr. Moore?</p> <p>15 I know you said you gave him the equivalent of the 16 finger when you got the letter, but --</p> <p>17 A. Yes.</p> <p>18 Q. Why didn't you respond?</p> <p>19 A. It didn't require a response.</p> <p>20 Q. You gave the EEOC the documents that have been marked 21 Exhibits 6 and 7 after you received the email from 22 Mr. Moore advising you that you were required to 23 delete anything that you forwarded to yourself; 24 correct?</p> <p>25 A. Probably. I don't know. What are the dates?</p> | <p>1 (Marked EXHIBIT 4 for identification)</p> <p>2 BY MS. HARDY:</p> <p>3 Q. All right. So I've marked as Exhibit Number 4 a 4 letter that you received from the investigator, Jamie 5 Dickinson, at the EEOC. Is he the only investigator 6 you dealt with?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And you had extensive communications with him; 9 is that fair to say?</p> <p>10 A. I -- I wouldn't call it extensive. We work for law 11 firms. Extensive is extensive. There were -- there 12 were a few and you got them.</p> <p>13 Q. He gave you an opportunity to read the position 14 statement submitted by Dykema, you exchanged emails 15 with him, and then he told you you could file a 16 rebuttal; correct?</p> <p>17 A. Correct. Correct.</p> <p>18 Q. And then you did file a rebuttal, which was 13 pages 19 and had 25 exhibits; correct?</p> <p>20 A. I believe so.</p> <p>21 Q. And after you got done answering all the questions 22 that Mr. Dickinson posed to you and submitting every 23 piece of evidence that you'd taken from the firm to 24 prove how bad Chelsea Larsen was and how bad Sue Choma 25 was, Mr. Dickinson told you that you still had not</p> |

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|--|---|
| <p>1 established in his mind that Dykema Gossett had either 2 engaged in age discrimination or retaliation in 3 connection with your employment; correct?</p> <p>4 A. Incorrect. There's another one that's an email that 5 you have where he, I don't know if Jamie's a man or a 6 woman honestly, I always thought she was a woman but 7 maybe it's a man, they highlighted the EEOC cannot 8 solely find age discrimination and you will receive a 9 right to sue so that you can pursue this and other 10 matters that we don't have jurisdiction over. So --</p> <p>11 Q. So let's -- let's look --</p> <p>12 A. -- yes. He said solely and he highlighted it.</p> <p>13 Q. Let's look at Exhibit 4 and what Exhibit 4 states. 14 It's a letter to you; correct?</p> <p>15 A. Um-hmm.</p> <p>16 Q. Correct?</p> <p>17 A. Um-hmm.</p> <p>18 Q. Yes? You have to answer verbally.</p> <p>19 A. Yes.</p> <p>20 Q. And it's from Jamie Dickinson, Federal Investigator 21 for the EEOC; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And it's dated April 22, 2021; correct?</p> <p>24 A. April 22, 2021. Yep.</p> <p>25 Q. And this is after you had submitted your rebuttal with</p> | <p>1 gave it and said we're done, we're going to stop 2 processing your claim, we're going to give you a right 3 to sue letter because we don't find that from what 4 we've seen and everything you've submitted that 5 there's merit. You understood that to be the message; 6 correct?</p> <p>7 A. I don't think they said it had no merit. They said in 8 their opinion failed to meet the more likely than not 9 standard.</p> <p>10 Q. You didn't --</p> <p>11 A. So it didn't say no merit.</p> <p>12 Q. They -- you didn't present proof to convince them that 13 there was merit?</p> <p>14 A. And I don't know why you're asking me to testify on 15 what the EEOC determined. It's written.</p> <p>16 Q. Did you -- I mean, did that cause you to pause at all 17 on proceeding with an age claim after you had -- had 18 submitted significant amounts of material and you were 19 not able to convince the EEOC of the merits of your 20 claim?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. I am still under the impression that it is very common 24 for them to just issue the right to sue letter.</p> <p>25 Q. Well, it is common to issue the right to sue letter</p> |
| Page 172 | Page 174 |
| <p>1 all your exhibits; correct?</p> <p>2 A. I actually -- it's very small for me. All right. So 3 are we reading this? Let me read it.</p> <p>4 Q. Take a moment and read it if you'd like.</p> <p>5 A. Okay.</p> <p>6 Q. Let's look at Paragraph 2. I'm going to read it into 7 the record. "On or about 9 March 2021, a copy of the 8 Employer's Position Statement and non-confidential 9 attachments that outlined the employer's primary 10 defenses against your allegations of discrimination, 11 was sent to you. Although you have presented a 12 rebuttal response to the Commission, the evidence did 13 not support a conclusion that the statutes you 14 complained of were violated. The EEOC has terminated 15 the processing of your case as the direct evidence or 16 evidence failed to meet a 'more likely than not' 17 standard."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yep.</p> <p>20 Q. All right. So you understood that the EEOC did not 21 find sufficient evidence to conclude there was merit 22 to your age discrimination claim?</p> <p>23 A. That's what they wrote on this letter.</p> <p>24 Q. Okay. You can go ahead and sue because that's what 25 federal law allows, but the EEOC read everything you</p> | <p>1 because that's standard. It is very uncommon to have 2 the EEOC write a letter to a charging party and tell 3 them that despite everything they've submitted that 4 they're going to not proceed any further because they 5 have not been convinced that there's merit.</p> <p>6 MR. FARRAR: Objection.</p> <p>7 A. I've never seen anybody else's letter. I -- this 8 looked standard to me. I mean, I -- I don't know.</p> <p>9 BY MS. HARDY:</p> <p>10 Q. Okay. In July 2017 you were assigned to a position in 11 the Detroit office on a temporary basis because there 12 was no other work available for you in the Bloomfield 13 Hills office; correct?</p> <p>14 A. No.</p> <p>15 Q. What are you disagreeing with about that statement?</p> <p>16 A. We were still doing transition work for the discovery, 17 so I actually was still very busy. Sue Choma came to 18 my desk at 5:15, 5:20 on a Monday and told me that I 19 would be reporting to Detroit the next morning, so --</p> <p>20 Q. What --</p> <p>21 A. -- her motives, her whatever, I don't know.</p> <p>22 Q. What transition work were you doing as of July 2017 23 related to discovery? What are you referring to? And 24 leave out client names. But what work were you doing?</p> <p>25 A. Recall and fire discovery work.</p> |

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|--|--|
| <p>1 Q. For what attorney or paralegal were you assisting?</p> <p>2 A. Still under Clay's umbrella but Lisa Myers and -- what</p> <p>3 was the guy's name that started to go inhouse with the</p> <p>4 client? I keep thinking Charles Berkley, but he's a</p> <p>5 basketball player; right? Something like that. I</p> <p>6 forgot his name.</p> <p>7 Q. So Lisa Myers is a --</p> <p>8 A. Paralegal.</p> <p>9 Q. Paralegal. And you were assisting her as of July 2017</p> <p>10 with some discovery?</p> <p>11 A. Yes.</p> <p>12 Q. And one lawyer?</p> <p>13 A. Well, two.</p> <p>14 Q. How many hours were you billing a week on --</p> <p>15 A. You can check my records. I don't recall.</p> <p>16 Q. Okay. Are you claiming that you were fully occupied</p> <p>17 as of July 2017 assisting this one lawyer and Lisa</p> <p>18 Myers with discovery matters?</p> <p>19 A. Again, you'd have to check my time. I --</p> <p>20 Q. Well, what's your recall?</p> <p>21 A. I --</p> <p>22 Q. Were you doing a small smattering of work or did you</p> <p>23 have enough work to -- to legitimately bill four days</p> <p>24 a week?</p> <p>25 A. I -- work was certainly declining, but I am not a</p> | <p>1 asked to go to Detroit; correct?</p> <p>2 A. Correct.</p> <p>3 Q. All right. And did you object to that?</p> <p>4 A. I was shocked.</p> <p>5 Q. Why were you shocked?</p> <p>6 A. Because it was 5:15 and she's telling me I'm going to</p> <p>7 report to Detroit the next morning. Kind of treated</p> <p>8 me like a piece of furniture, even a bad piece of</p> <p>9 furniture. And I live in Romeo. So Romeo to</p> <p>10 Detroit's a truck [sic].</p> <p>11 Q. How long is -- from Romeo to Dykema is the Detroit</p> <p>12 office?</p> <p>13 A. I actually Googled it after Sue left and it projected</p> <p>14 Romeo to Detroit would be like 46 minutes, so I was</p> <p>15 like okay. No, hour and 50 minutes. I saw Sue in her</p> <p>16 note wrote 15. Hour, 50 minutes. So about two hours</p> <p>17 a day to go from Romeo to Detroit during rush hour.</p> <p>18 Q. So you thought you should remain in Bloomfield without</p> <p>19 any committed assignment in lieu of commuting to</p> <p>20 Detroit when they had work that needed to be done?</p> <p>21 A. I would find a new project, as I did.</p> <p>22 Q. But did you think the firm was supposed to just keep</p> <p>23 paying you day by day when you didn't have work to</p> <p>24 do, --</p> <p>25 A. Well, there --</p> |
| <p style="margin-top: 12pt;">Page 176</p> <p>1 person to just sit there, so I can confidently say I</p> <p>2 was never just sitting there doing nothing. This may</p> <p>3 or may not have been when I reached out and was</p> <p>4 helping another paralegal do some charting on a case</p> <p>5 that she had coming up for trial. I might have been</p> <p>6 doing some of that. But, again, check my time</p> <p>7 records. You can see what I was spending on discovery</p> <p>8 and the other time I was trying to help out where I</p> <p>9 could.</p> <p>10 Q. All right. So you were looking day by day for</p> <p>11 something to do?</p> <p>12 A. Well, to fill the day because, again, I'm not one to</p> <p>13 just sit there, yes.</p> <p>14 Q. So you didn't have a project that you were assigned</p> <p>15 to, you didn't have a specific matter that you were</p> <p>16 working on that you knew every day I go in I'm going</p> <p>17 to have a day's work related to this matter or</p> <p>18 project?</p> <p>19 A. I mean, correct. I think we talked about that. There</p> <p>20 was about a two-month period where there was a flux,</p> <p>21 yes.</p> <p>22 Q. Okay. So during this we'll call it, I'll use your</p> <p>23 term, a flux period, Sue Choma found you a job in</p> <p>24 Detroit that you could be assigned to where someone</p> <p>25 was actually needed to perform real work and you were</p> | <p style="margin-top: 12pt;">Page 178</p> <p>1 Q. -- a full plate of work at least?</p> <p>2 A. There have been other instances where a project ended</p> <p>3 or a person was -- you know, no longer had a duty and</p> <p>4 then there was a change, and yes, over the years the</p> <p>5 firm would, you know, work with you to find -- find</p> <p>6 some valuable work to be done, and that was the way</p> <p>7 the firm always was.</p> <p>8 Q. Right. So they found you valuable work to do in</p> <p>9 Detroit; correct? I mean, you may not have liked it,</p> <p>10 but it was real work; right?</p> <p>11 A. So shall we go on about that? So the hour and</p> <p>12 50 minutes -- okay. So that's two -- I'll give you</p> <p>13 50 minutes to come here to Bloomfield, but it wasn't</p> <p>14 even that. But after two hours a day back and forth,</p> <p>15 more gas, I would need a phone, because I don't have a</p> <p>16 cell phone, so I said let me go down there for a</p> <p>17 couple of weeks to train and let me do the work out</p> <p>18 here. It's a very mobile, very technologically world</p> <p>19 that we live in today. And the answer was just a flat</p> <p>20 out no. And so I said, well, then let me come in</p> <p>21 here, do what I can and then drive down there when</p> <p>22 it's not rush hour, like maybe I'll use my lunch hour</p> <p>23 to drive down there and do it sort of a split thing,</p> <p>24 and the answer was a flat out no. And so I said,</p> <p>25 well, this is -- you're putting all the burden on me.</p> |

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|--|--|
| <p>1 It's too much to ask.</p> <p>2 Q. So you said no?</p> <p>3 A. I did.</p> <p>4 Q. Okay. Did you go to Detroit at all?</p> <p>5 A. Twice.</p> <p>6 Q. Twice.</p> <p>7 A. Well, because I did it the second time to see if it 8 was going to be an hour and 50 minutes the next time 9 and it was.</p> <p>10 Q. So you're supposed to be there three months; correct? 11 That was the assignment?</p> <p>12 A. That was Sue's -- Sue's idea, yes.</p> <p>13 Q. And you went only twice?</p> <p>14 A. They didn't fire me at that point, did they? No.</p> <p>15 Q. So how -- did you just stop going?</p> <p>16 A. No. I called a meeting with the second day Sue and 17 Mary and I had a meeting in Mary's office and I said 18 exactly what I just told you. This is -- this is all 19 on me, you know, two more hours a day, gas, phone, all 20 these different things, and it's -- it's -- it's not 21 equitable. It's not -- it's not fair. And I guess I 22 got to mention to you, too, that Sue assured me that I 23 would remain a Bloomfield employee so I wouldn't have 24 to pay the Detroit taxes, so I was, in fact, to remain 25 a Bloomfield employee, so . . . Okay. I wouldn't</p> | <p>1 production, so I don't know where those are.</p> <p>2 Q. What was the job that you were assigned to fill for a 3 three-month period in Detroit? It was for an employee 4 who was absent?</p> <p>5 A. She was having cancer surgery, I believe.</p> <p>6 Q. Okay. And what was the job?</p> <p>7 A. Asbestos group.</p> <p>8 Q. Administrative assistant work in the asbestos group?</p> <p>9 A. I -- Evelyn had some extra duties, and so the first 10 day I went down there she was going over all the 11 special procedures for the asbestos group.</p> <p>12 Q. And when you bailed on Detroit, do you know how they 13 filled that job?</p> <p>14 A. They -- I think they pulled somebody from Detroit to 15 do it.</p> <p>16 Q. All right. So let's talk for a moment about paralegal 17 work. What do you believe you did that fell in the 18 paralegal category?</p> <p>19 A. Reviewing things, analyzing things, bringing important 20 issues to the attorney's attention, drafting things 21 for ultimate attorney review, document production, so 22 assembling. I would send those out under my own 23 cover.</p> <p>24 Q. When you worked on the project for Clay Guise, what 25 was the name of that project? The one that phased out</p> |
| <p style="margin-top: 12pt;">Page 180</p> <p>1 have to pay the taxes, but I had all those other 2 expenses and two hours every day.</p> <p>3 Q. All right. So you just -- you told them you -- 4 despite the fact that you'd been assigned to that job 5 and you didn't have another job in Bloomfield Hills, 6 you just weren't going?</p> <p>7 A. I said it was -- it was unfair and it put all the 8 burden on me.</p> <p>9 Q. So then what did you do for July, August, and 10 September up until the time that the lemon law project 11 started?</p> <p>12 A. I continued to do discovery work, and I certainly 13 during that time was charting the stuff for Cheri for 14 her trial.</p> <p>15 Q. Sherry Medley you're talking about?</p> <p>16 A. Yes.</p> <p>17 Q. She's a paralegal; right?</p> <p>18 A. Yes. And I actually would send Sue, and you have them 19 in -- I don't know if -- I had copies of all of them, 20 but I would send Sue status updates, I'm doing this, 21 I'm doing this, I'm doing this, I'm staying busy, I'm 22 doing this. So yeah, I don't think -- because I sent 23 her more -- I think I only had a printout of one or 24 two in my stuff, but Sue got one like I would say 25 weekly, and I didn't see those in your guys's</p> | <p style="margin-top: 12pt;">Page 182</p> <p>1 in the spring of 2017.</p> <p>2 A. The switch work or SCDS?</p> <p>3 Q. Is that -- what was the order of the different 4 projects? S --</p> <p>5 A. SCDS was the first. It was at the time the largest 6 automotive recall in history with over 3.6 million 7 vehicles.</p> <p>8 Q. And what was the time frame of the SCDS project?</p> <p>9 A. I think they launched the recall in autumn of 2005 and 10 I got involved in the spring of 2006.</p> <p>11 Q. 2006 up until when?</p> <p>12 A. Up un -- I was still doing little bits of it until the 13 day I died.</p> <p>14 Q. What -- is that the -- is that the work that phased 15 out in the spring of 2017?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And was that different from the switch work, 18 the switch project?</p> <p>19 A. No. It's the same.</p> <p>20 Q. Oh, it's the same. Okay. All right. So then you 21 went from the SCDS project to this limbo period from 22 July --</p> <p>23 A. No. No. Then I did ABS recall work, and then I did 24 some general fire work, and then we got door latch and 25 general products work from the client in about 2013,</p> |

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|---|---|
| <p>1 so I worked on that. So yeah. A lot of different 2 discovery projects.</p> <p>3 Q. So was the ABS work and the general fire work during 4 the same time period as the SCDS work?</p> <p>5 A. Yes.</p> <p>6 Q. Was it all Clay Guise?</p> <p>7 A. And Brittany Schultz.</p> <p>8 Q. So from 2006 to 2017 in the spring you did work to 9 support Clay Guise and Brittany Schultz?</p> <p>10 A. And when Brittany went to the client -- should we not 11 use her name? I don't know. But, anyway, when she 12 went to the client, then Lisa Brown took over for 13 Brittany, and then the general products work actually 14 left before the fire work left.</p> <p>15 Q. And what was the nature of the work that you did on 16 the SCDS project?</p> <p>17 A. Responding to discovery and production.</p> <p>18 Q. What did you do in that regard?</p> <p>19 A. I would prepare the draft responses, communicate with 20 the attorn -- Clay to finalize them, get the 21 verifications from the client and then sent -- local 22 counsel would do the service.</p> <p>23 Q. Were you supporting a paralegal during that time 24 frame?</p> <p>25 A. No. I was the paralegal during that time frame.</p> | <p>1 say. Right? You'd have to look at the records and 2 see -- see which one was hot. When we got the general 3 products and door latch work, we were overwhelmed. So 4 Brittany asked not only me to help with that, she 5 asked Lisa to help with that, she asked Sherry to help 6 with that, and there was -- the volume was way higher 7 than the client initially represented and we were 8 going crazy with so much work to do. So in that time 9 frame from '13 until Brittany left in -- I don't know. 10 When did Brittany leave? I'm going to have to guess. 11 '14? Early '15. So we only had that year and a 12 half -- I don't know. Not that long. It was crazy. 13 It was -- it was crazy. So yes, extra overtime hours 14 were needed during that time and it was -- it was a 15 lot of work.</p> <p>16 Q. Do you know -- do you have any sense of how many 17 different projects a paralegal, someone who actually 18 is in a paralegal position, how many different 19 projects they work on throughout the course of the 20 year and the range of work that they do?</p> <p>21 A. I think it varies and I think it varies a lot. I 22 mean, there's -- you know, Lisa I know just worked on 23 fire cases for a long time and then general products 24 and door latch, so she was very much doing the same as 25 I did. But, then again, you've also got to consider</p> |
| Page 184 | Page 186 |
| <p>1 Q. You were never a paralegal by title; correct? We've 2 been through that.</p> <p>3 A. Right. But Clay also several times called me a 4 paralegal, so that's what I was doing.</p> <p>5 Q. Did he have a paralegal assigned to that project in 6 addition to you?</p> <p>7 A. No. Well, Lori Hagopian, but she got fired in 2009, 8 and then I did both Lori's job and my job, so I was 9 doing two people's jobs.</p> <p>10 Q. All right. But during the 2006 to 2017 time frame, 11 you worked -- what percentage of your time was on 12 SCDS?</p> <p>13 A. Well, it fluctuated. It fluctuated.</p> <p>14 Q. Give me a ballpark.</p> <p>15 A. So -- all right. Well, from 2006 to getting the extra 16 fire work in 2010 I was a hundred percent switch. 17 When we got in 2010, when we got the fire work, I did 18 all the ABS stuff because it was recall related like 19 my other work so it made sense for me to do all that, 20 where Lisa got the general fire work, but then I would 21 also assist her. If she got, you know, overwhelmed, I 22 would take a general fire case. So from 2010 until we 23 got the general products door latch work in about '13 24 I was still probably 60 percent switch and the rest 25 was ABS or fire, guessing. That's rough. Hard to to</p> | <p>1 the volume that we had in this discovery work. It 2 didn't leave a whole lot of room for other things. I 3 mean, it was -- it was busy. So . . . But then other 4 people like, you know, there was -- you know, like 5 trial paralegals. They -- they're -- they're kind of 6 different. They did -- you know, they help whoever is 7 getting ready for a trial do what they -- you know, 8 and I was not involved in that, so . . .</p> <p>9 Q. All right. Well, let's talk about Robin Kowalski. 10 She's the one person you've identified as a 11 comparable. Do you know what the mix of work was that 12 she did in 2018?</p> <p>13 A. I do not.</p> <p>14 Q. All right. So you don't have any idea what kind of 15 work she was doing, who she was working for, how many 16 different projects she was working on?</p> <p>17 A. I only know that she was doing the lemon law work as 18 well.</p> <p>19 Q. All right. Do you have any idea how much time she was 20 spending on the lemon law work in 2018?</p> <p>21 A. Not -- not other than what I printed off here.</p> <p>22 Q. You were working full time on it; correct?</p> <p>23 A. Um-hmm.</p> <p>24 Q. Yes?</p> <p>25 A. Yes.</p> |

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|--|--|
| <p>1 Q. Okay. And would it surprise you that Robin Kowalski 2 spent a very minimal amount of time on it? 3 A. So when -- which -- when Chelsea would make comments 4 like Robin's going to get more done, I was 5 incredulous. I'm like what? So, again, it's 6 Chelsea's age bias where she would -- you know, Robin 7 was golden child and was getting all this more work 8 done than me, which is incorrect. It's just false. 9 Q. That's not at all responsive to my question. Would it 10 surprise you that -- 11 A. Well, it doesn't surprise me. She wasn't -- 12 Q. Let -- 13 A. -- doing as much work as me. 14 Q. Can I ask my question, please? 15 A. Sure. 16 Q. All right. Would it surprise you that in 2018 that 17 Robin Kowalski spent a fraction of the time that you 18 spent working on the lemon law project? 19 A. I have no knowledge or anything about what else Robin 20 did. 21 Q. All right. Let's talk about 2019. Was Robin Kowalski 22 even working on the lemon law project in 2019? 23 A. Yes. I believe so. There's some emails in what I 24 gave you where, you know -- well, like where I asked 25 Robin am I supposed to keep correcting your stuff?</p> | <p>1 work than other attorneys' work? 2 A. I have no idea. 3 Q. All right. So let's go through everything that you 4 claim constitutes favored treatment of Robin vis-a-vis 5 you in connection with the lemon law project. How are 6 you claiming she was favored? 7 A. I think I mentioned a couple already. The -- that she 8 was getting more done and faster, which is -- prompted 9 me to print the time records to prove that that was 10 inaccurate. She would -- so what was the question? 11 More -- 12 Q. How was she -- 13 A. Other ways? 14 Q. How was she favored in comparison to you by Chelsea 15 Larsen? 16 A. Tone of -- certainly tone of voice both in verbal 17 speaking and in emails where, you know, I was spoken 18 to -- again, I'm going to use some colorful language. 19 Like I was the bad dog or something where, you know, 20 Robin is like, oh, Robin (nonverbal sounds), you know, 21 and they'd sit in the office and giggle and chat and 22 laugh, so that -- you know, there's work to do, 23 but . . . So a lot of different treatment and the 24 verbal and then the written and the emails. She 25 falsely says I didn't get any done from -- that came</p> |
| Page 188 | Page 190 |
| <p>1 Q. Do you know how many -- 2 A. So that was in '19. 3 Q. Do you know how many hours she put in? 4 A. Again, I do not. 5 Q. Well, you know, I mean, if it were five or ten or 15, 6 would you be surprised? 7 A. I do not know. 8 Q. All right. So you just have no sense at all? 9 A. All I know is the comparisons that were being made 10 where I was inferior and Robin was golden, so 11 that's -- 12 Q. Do you know what Robin's reputation was as a paralegal 13 with the attorneys generally that she supported on a 14 variety of different projects? 15 A. I do not. 16 MR. FARRAR: Objection to form. 17 BY MS. HARDY: 18 Q. Do you know whether Chelsea Larsen spoke more 19 favorably of her than other attorneys did in terms 20 of -- 21 A. Chelsea Larsen certainly spoke more favorably of Robin 22 to me as she also would put me down and then that's 23 all I know. 24 Q. All right. But you have no idea whether Chelsea 25 Larsen was more favorable about Robin's quality of</p> | <p>1 in the night before, which was false, where she says, 2 oh, poor Robin, get over that nasty pneumonia and 3 we'll talk in the morning. Totally different tones. 4 Like polar opposites. 5 Q. Anything else that's responsive? 6 A. I mean, that's all I can recall at the moment, but it 7 was pretty constant. 8 Q. Have you produced every email in your possession that 9 you believe demonstrates that Chelsea Larsen used a 10 different tone in emails or said anything that 11 constitutes favored treatment of Robin vis-a-vis you? 12 A. I produced everything in my possession. 13 Q. All right. So you've produced -- have you actually 14 seen an email that states that Chelsea thought Robin 15 was getting things done faster than you? 16 A. Yes. And you have it. She said during the -- when 17 I -- when we got in like six new cases and it was 18 1:30 in the afternoon and I sent this exasperated 19 email to Sue and Chelsea, "I don't know what to do 20 anymore. Do you want me to work through lunch or do 21 you want me -- or should I go to lunch or do you want 22 me to do these cases?" 23 And Chelsea emails back, "Robin should be 24 helping you and doing half and probably more." 25 Like so what is that? And Robin actually</p> |

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| <p>1 hadn't responded, so it was all on me. And there was 2 a point where Chel -- when I told Chelsea, not this 3 particular time, but when I said -- I said, you know, 4 sometimes Lisa and Robin don't respond, she's like, 5 "Well, go tell them."</p> <p>6 And I'm like, "I'm not their supervisor." 7 I'm like, "Are you giving me a supervisory role?" 8 And Chelsea just glared at me. So it's 9 like, you know, I can't tell the other paralegals what 10 to do. So I was --</p> <p>11 Q. What's your objection to the email that you just 12 described that Chelsea sent suggesting that, you know, 13 Robin could do half?</p> <p>14 A. And maybe more.</p> <p>15 Q. Oh, so what did you read into that?</p> <p>16 A. That she's faster, that, you know, I think it 17 insinuates that, you know, Robin gets them done 18 faster, which is incorrect.</p> <p>19 Q. Okay. Can you think of any other email in which 20 she's, Chelsea, that is, has made a reference to Robin 21 being faster than you?</p> <p>22 A. I believe if we had access to the emails that I could 23 pull some out. I gave you everything I have. But 24 yes. It was -- it was fairly a constant tone, you 25 know, just overhanging thing that, you know, I was</p> | <p>1 meeting I did a short memo to the file, which you 2 have, so whatever date that was was the first launch 3 meeting.</p> <p>4 Q. Well, this email of September 28 announces at the very 5 end that you're excited to get to work.</p> <p>6 A. Yes, I was.</p> <p>7 Q. Yes. All right. And it's dated September 28. Does 8 that refresh your memory that you didn't get started 9 until then?</p> <p>10 A. We might have done -- like I said, I think the launch 11 meeting was before that, but you have it, so . . . I 12 don't have it in front of me. If I had it in front of 13 me, I could tell you.</p> <p>14 Q. All right. You don't have any basis -- you don't have 15 any specific information to suggest that you were 16 working on that project before September 28th, do you?</p> <p>17 A. I don't have any information except for --</p> <p>18 Q. You don't have any -- any document that demonstrates 19 that you had actually started working on it before 20 September 28th?</p> <p>21 A. Except for that brief email to the file during the 22 first launch meeting that I believe was like -- I'm 23 going to guess here, but I think it was the 25th.</p> <p>24 Q. Of September?</p> <p>25 A. Yes.</p> |
| | |
| <p>1 inferior and, you know, Robin's golden.</p> <p>2 Q. Well, you kept all those emails, though; right?</p> <p>3 A. No. No.</p> <p>4 Q. Why not? You said you were keeping as of 2018 5 everything that demonstrated that Chelsea was --</p> <p>6 A. I didn't say I kept --</p> <p>7 Q. -- mistreating you.</p> <p>8 A. -- everything. I said sometimes in my anger and 9 dismay I would collect things to prove my innocence on 10 false accusations, but emails are a daily back and 11 forth. No, I could not save or print every email. So 12 access to the email systems would be very helpful.</p> <p>13 Q. All right. So just for the record I want to clear up 14 when you started on the California warranty project. 15 That was late September; correct?</p> <p>16 A. I -- I would have to look at the documents. I believe 17 it was -- I believe it was mid.</p> <p>18 Q. Well, you sent an email to Sue Choma on September 28th 19 in which you announced that you picked up a new 20 assignment that you were going to be starting on?</p> <p>21 A. Okay. So we probably got it a week before or 22 something.</p> <p>23 Q. But you didn't start on the project until the very end 24 of September; correct?</p> <p>25 A. I don't think so. I think I -- like the first launch</p> | <p>1 Q. Okay. Last week.</p> <p>2 A. Okay. Yes.</p> <p>3 Q. All right. Let's turn to your coaching that you 4 received in January 2018 about punctuality as well as 5 working from home and overtime. Do you recall that?</p> <p>6 A. You call that coaching?</p> <p>7 Q. Certainly it was coaching and suggesting that you 8 needed to be in compliance with policy.</p> <p>9 A. I call it a harsh reprimand. I do remember that. 10 (Marked EXHIBIT 9 for identification)</p> <p>11 BY MS. HARDY:</p> <p>12 Q. Okay. All right. So I've marked as Exhibit Number 9 13 the memorandum you received from Sue Choma dated 14 February 5, 2018, "RE: Punctuality," and it is 15 confirming a discussion that occurred on January 19, 16 2017, and it attaches numerous policies from the 17 policy manuals that we marked as Exhibit 1 and 2 to 18 refresh your memory about what the firm policies were 19 on the issues addressed in the memo. And it has been 20 Bates stamped 2000 -- or 215 through 222. Why don't 21 you take a moment and review the memo. Unless you've 22 read it recently and you don't need to --</p> <p>23 A. It angers the heck out of me and I do remember it.</p> <p>24 Q. What are your questions?</p> <p>25 Q. Well, do you need to take time to review it again or</p> |

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| <p>1 have you reviewed it recently enough that you're 2 familiar with it?</p> <p>3 A. I guess I could read it again.</p> <p>4 Q. Do you agree that Exhibit 9, which is the February 5, 5 2018, memo, accurately describes the conversation that 6 Ms. Choma had with you on January 19, 2018?</p> <p>7 A. No. No.</p> <p>8 Q. Okay. So let's go, then, back to the January 19 9 conversation that you had with Ms. Choma. What -- 10 what do you claim she told you in that meeting that 11 differs from the content of this memo?</p> <p>12 A. She didn't accuse me of stealing back then. So the 13 firm in practice had what was informally called the 14 six-minute rule, so if you were -- you know, if you 15 got in within those six minutes you weren't 16 technically late, you were just supposed to make up 17 the time, either shorten your lunch or stay after. 18 And so at the January 19th meeting Sue showed me a 19 printout where it was one minute, two minutes, you 20 know, three minutes, one minute, and -- and then she 21 said I'm using it too much, and I said okay, you know. 22 I didn't know until then that the six-minute rule was 23 no more, so --</p> <p>24 Q. Where did the six-minute rule come from from your 25 perspective?</p> | <p>1 Q. All right. So if your -- your start time was -- in 2 2018 was 9:30 a.m.; correct?</p> <p>3 A. Um-hmm.</p> <p>4 Q. Same in 2019?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. So you thought you could arrive at 9:36 and put 7 down 9:30?</p> <p>8 A. It would -- it would round, so you weren't really 9 late.</p> <p>10 Q. What do you mean it would round? I don't understand 11 what you mean.</p> <p>12 A. The time -- if you put 9:36 in there, the system just 13 rounds it to 9:30.</p> <p>14 Q. All right. And you believe that was in effect in 2018 15 and '19?</p> <p>16 A. I believe it's still in effect if you're not on 17 someone's shit list.</p> <p>18 Q. So it -- you're claiming that if you put 9:36 on your 19 time records that for the purposes of payroll it would 20 round to 9:30?</p> <p>21 A. Correct.</p> <p>22 Q. Now, where did you get the understanding that that 23 meant that's okay to come in at 9:36 as opposed to 24 9:30?</p> <p>25 A. It was practice.</p> |
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| <p>1 A. It used to be the nine-minute rule back in the day --</p> <p>2 Q. Well --</p> <p>3 A. -- when --</p> <p>4 Q. -- was this in writing?</p> <p>5 A. I actually when I was going through that stuff in my 6 garage did find a reference to it, and you have it 7 now, so when we went to the new timekeeping system 8 that rounded, it was no more -- no longer a 9 nine-minute rule, it was a six-minute rule.</p> <p>10 Q. When do you claim the six-minute rule went into 11 effect?</p> <p>12 A. When they got a new timekeeping system that rounded.</p> <p>13 Q. Was that the Kronos system?</p> <p>14 A. It was even before that.</p> <p>15 Q. What year are you referring to?</p> <p>16 A. Again, I ran across the document when I was going 17 through the stuff in my garage that you now have, and 18 I don't recall the date. It was I think -- I don't 19 know. I would have to guess. I'm going to say 20 2000 -- I would have to guess, so . . .</p> <p>21 Q. So what did you understand you had a right to do under 22 the so-called six-minute rule?</p> <p>23 A. As long as you were there within that six minutes you 24 weren't late. You just had to either shorten your lunch or work after so that you made it up.</p> | <p>1 Q. Who said it was practice?</p> <p>2 A. Again, it goes way back to when we had a nine-minute 3 rule. You could -- you could do that rounding for up 4 to nine minutes back in the day as long as you made up 5 those, you know, up to nine minutes, but when they 6 went to the new program in whatever year it was, that 7 system rounded, and so then -- and I think Rex had 8 something to do with that too. He thought nine 9 minutes was too much, and so . . .</p> <p>10 Q. Well, so the firm is allowing, if what you're saying 11 is correct, to pay you for time you're not there 12 within the six minutes or the nine minutes, but it's 13 not authorizing you or suggesting that coming in that 14 late is acceptable conduct; correct?</p> <p>15 A. But you'd always make up the time either by shortening 16 your lunch or -- or staying late.</p> <p>17 Q. Was that in writing somewhere?</p> <p>18 A. It was part of the nine-minute, six-minute rule 19 situation.</p> <p>20 Q. In writing or just --</p> <p>21 A. Like I said, there -- there -- I found something in my garage that you now have that does refer to that. It was an email between me and Carol Lally, and it discusses it a little bit.</p> <p>22 Q. Well, she was gone as of 2012; right?</p> |

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| <p>1 A. So it was definitely prior to that, yes.</p> <p>2 Q. And so you assumed, even if that had been the case</p> <p>3 prior to 2012, that you were entitled to just come in</p> <p>4 six minutes late and then make that up at some point</p> <p>5 during the course of the day and that that was</p> <p>6 acceptable pursuant to firm policy?</p> <p>7 A. Acceptable I like better than entitled. It was</p> <p>8 acceptable, yes, under firm practice.</p> <p>9 Q. But you -- but you -- other than this one document</p> <p>10 that you claim you produced this week, you don't know</p> <p>11 of any place in -- in the firm manual that's on the</p> <p>12 website where it states --</p> <p>13 A. I wouldn't. No. No.</p> <p>14 Q. All right. And the document that you claim you</p> <p>15 produced that refers to this is an email between you</p> <p>16 and Sue Choma sometime --</p> <p>17 A. Carol Lally.</p> <p>18 Q. Carol Lally. Sometime 2012 or earlier; correct?</p> <p>19 A. Definitely earlier than '12, yes.</p> <p>20 Q. And that's the only thing in writing you've ever seen</p> <p>21 that confirms this understanding that you've described</p> <p>22 on the record of the six-minute rule?</p> <p>23 A. It was never an issue until here really.</p> <p>24 Q. All right. So what, if anything, is inaccurate from</p> <p>25 your point of view about Exhibit 9?</p> | <p>1 attorney, my partner in charge always wanted me to do</p> <p>2 was get the work done.</p> <p>3 Q. So you thought you had a right, an entitlement to</p> <p>4 charge overtime without getting any specific approval</p> <p>5 simply because you were supposed to, quote, get the</p> <p>6 work done?</p> <p>7 A. Correct. And it was always billed to the client, so I</p> <p>8 am actually earning money for the client more than I</p> <p>9 am compensated --</p> <p>10 Q. And you thought you had the right to make that</p> <p>11 decision?</p> <p>12 A. I did for over a decade.</p> <p>13 Q. So you just --</p> <p>14 A. Yes.</p> <p>15 Q. For over a decade you approved your own overtime?</p> <p>16 A. I got the work done as my boss, Clay Guise, expected</p> <p>17 the work to be done.</p> <p>18 Q. All right. You didn't bother to ask for approval from</p> <p>19 the attorney; you just assumed you had the right to</p> <p>20 charge the overtime?</p> <p>21 A. Clay and I would discuss it periodically and he wanted</p> <p>22 me to get the work done.</p> <p>23 Q. All right. So that's your explanation on overtime.</p> <p>24 What about working from home?</p> <p>25 A. I was never told I couldn't work from home anymore.</p> |
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| <p>1 A. My unauthorized use of overtime.</p> <p>2 Q. What's inaccurate about that?</p> <p>3 A. It wasn't unauthorized.</p> <p>4 Q. Who authorized it?</p> <p>5 A. My mandate was to get work done, and I always did my</p> <p>6 best and gave it my all to ensure that the work was</p> <p>7 always done and --</p> <p>8 Q. So you thought that that general directive to get work</p> <p>9 done gave you the right to charge overtime without</p> <p>10 specific approval --</p> <p>11 A. Okay. Well, this --</p> <p>12 Q. -- having been obtained?</p> <p>13 A. Here. Let me -- let me show you something. Here we</p> <p>14 go. If it's in here.</p> <p>15 Q. Page 21 of Exhibit 1 addresses overtime for non-exempt</p> <p>16 employees. You were non-exempt; correct?</p> <p>17 A. Right. Right.</p> <p>18 Q. Okay.</p> <p>19 A. Okay. So all overtime work must be verbally approved</p> <p>20 by the attorney, paralegal, or supervisor requesting</p> <p>21 the work. I was a paralegal. So my mandate from my</p> <p>22 partner in charge was to get the work done. So like</p> <p>23 I -- so I approved it myself.</p> <p>24 Q. All right.</p> <p>25 A. Because I had to get the work done. That's what my</p> | <p>1 They actually -- when I got involved in this project</p> <p>2 right in the very beginning, there was so much that I</p> <p>3 was asked by Kathleen Horchler if I would consider</p> <p>4 doing some work at home to help keep it going, and</p> <p>5 from that time on I had worked from home.</p> <p>6 Q. So you just worked from home when you felt like</p> <p>7 working from home?</p> <p>8 A. When the work needed to be done.</p> <p>9 Q. Okay. And you --</p> <p>10 A. And I always had billable time to go along with it.</p> <p>11 Q. All right. And you did not seek approval to do that,</p> <p>12 you just chose to do it and made your own decision;</p> <p>13 correct?</p> <p>14 A. I -- can we object to her phrasing? I got the work</p> <p>15 done that needed to get done.</p> <p>16 Q. That's not my question. My question is you didn't</p> <p>17 seek approval from an attorney to work from home --</p> <p>18 A. False. False. I always had their approval.</p> <p>19 Q. You mean just -- you just assumed you had it as a</p> <p>20 general matter?</p> <p>21 A. You can look at my reviews. They -- they sang my</p> <p>22 praises on how I -- I was such a team player, I got so</p> <p>23 much work done, I was willing to work from home for</p> <p>24 the good of the project, and -- yes.</p> <p>25 Q. So you just assumed you could work from home when you</p> |

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| <p>1 determined that it was necessary without seeking 2 approval; is that correct?</p> <p>3 A. I think I already answered that. I had approval. 4 They wanted me to do it. I -- I have good judgment. 5 I always billed corresponding time for the work.</p> <p>6 Q. So you didn't seek approval to work from home on a 7 particular Monday or Tuesday or Thursday? You just 8 assumed you had that approval and you could then make 9 your own decisions? As a general matter you had 10 approval?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So what else, if anything, is inaccurate about 13 Exhibit 9 in your view?</p> <p>14 A. Well, excessive tardies. They were -- the vast 15 majority was under the six-minute rule, so I always 16 did work it over, so her definition of tardies, I 17 wasn't yet aware that they were being monitored under 18 the six-minute rule until this came up. And then when 19 she accuses me of stealing -- where is it? It's in 20 here somewhere.</p> <p>21 Q. Is the word "stealing" in here?</p> <p>22 A. Oh, she might have used that verbally. So yeah, I 23 took -- I took huge exception to that because not only 24 did I always make up the one or two minutes, I 25 consistently went past that. Like didn't leave until</p> | <p>1 a cell phone until she told me I was required to get 2 one and then I reactivated my OnStar, but I was never 3 told that there was a requirement that you have a cell 4 phone.</p> <p>5 Q. You were late more than six minutes frequently in 2018 6 and '19; correct?</p> <p>7 A. And I also wrote on there check the weather. We had 8 had some of the most horrendous weather that -- 9 because this is January, February. It was -- it was 10 horrible.</p> <p>11 Q. Well, the weather affects everybody; correct?</p> <p>12 A. And let's see who else was late those days. I bet you 13 there were a ton.</p> <p>14 Q. Can you identify any other employee who had the 15 tardiness pattern that you had?</p> <p>16 A. I'm -- I'm not HR. And, again, I disagree with the 17 tardiness. I always worked -- I always worked the 18 time, so . . .</p> <p>19 Q. Well, do you understand the importance of if your 20 start time is 9:30 and people expect to see you at 21 9:30 and be available to do work that it's a problem 22 for the firm when you're not there even if you stay 23 late to make it up?</p> <p>24 A. I don't -- no. I don't see that to be a problem at 25 all. Matter of fact, most of them liked it that I was</p> |
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| <p>1 quarter to six often. If it got to be six, then I 2 would put in some overtime, but, you know, there was a 3 lot of quarter to sixes that -- that -- so yeah, they 4 got free work, so . . .</p> <p>5 Q. So did you just assume because you thought the 6 six-minute rule was in place and it allowed you to 7 come in six minutes and collect the money but, you 8 know, not worry about it that -- I mean, did that just 9 become habit to do that?</p> <p>10 A. Collect the money.</p> <p>11 Q. Get paid for it.</p> <p>12 A. And I always stayed after 5:30, so yes, I got paid for 13 my seven hours and I worked my seven hours.</p> <p>14 Q. You understood you were supposed to call if you were 15 going to be late; correct?</p> <p>16 A. So that particular thing has been on the books back in 17 1985. There were not cell phones back in 1985. So 18 what that meant was that if you were home and knew you 19 were going to be late, you were supposed to call. I 20 know that. Right? It did not include one or two 21 minutes because of traffic or -- because cell phones 22 didn't even exist. So just because times have 23 changed. I don't have a cell phone. So yeah, if I 24 was a minute late, I didn't have the ability to call 25 Sue. I was never told that it was required that I get</p> | <p>1 there past 5:30. More -- more work is time sensitive 2 and get it out, get it out between five and six than 3 it is between when most people are getting their 4 coffees and everything in the morning. So no, I did 5 not see it as any problem or a deficiency in getting 6 my work done that I was a minute late. Most people 7 don't care.</p> <p>8 Q. But then let's talk about when you were ten minutes 9 late or 15 minutes late. Do you understand that when 10 someone expects you to be there at 9:30 and 11 functioning that it's a problem when you're not there?</p> <p>12 A. If I was --</p> <p>13 Q. A reliability issue?</p> <p>14 A. If I was that late, it was because of some issue 15 between Romeo and Bloomfield Hills. If I was that 16 late. And during February 2018, if we go back, you 17 will see we had some of the worst weather. So there 18 was nothing I could do about it. I don't know what to 19 tell you. I -- once this became an issue, I started 20 leaving 15 minutes early, but it didn't fix it 21 because, as you can see, I was still late, so then I 22 started getting there crazy early. I was there like 23 by 9:00 every morning. So yeah, I wasn't going to let 24 this petty thing, you know, ruin my job. I generally 25 liked my job. So yeah, I got there at like 9:00 every</p> |

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|---|---|
| <p>1 morning.</p> <p>2 Q. So you think it's petty to expect an employee to show 3 up on time?</p> <p>4 A. Minutes, yes. Maybe not if you're a McDonald's or 5 something like that, but at a law firm I think it's 6 very petty to bicker about a minute.</p> <p>7 Q. Well, is it petty to bicker about six minutes or --</p> <p>8 A. Not when the time's made up.</p> <p>9 MR. FARRAR: Objection to form.</p> <p>10 A. Not when it's worked.</p> <p>11 BY MS. HARDY:</p> <p>12 Q. Is it petty to bicker about eight minutes?</p> <p>13 MR. FARRAR: Objection.</p> <p>14 BY MS. HARDY:</p> <p>15 Q. What -- is it? You have to answer.</p> <p>16 A. Under the nine-minute rule it would have been, 17 so . . . And, again --</p> <p>18 Q. When does it stop becoming petty? How late can you be 19 before it falls outside the petty category for your 20 employer to be concerned about it?</p> <p>21 MR. FARRAR: Objection.</p> <p>22 A. For me personally, I would say you shouldn't get 23 worked up about it for like 15 minutes because people 24 come from all different parts of the state. You know, 25 some downriver, me Romeo, and you never know what's</p> | <p>1 A. I -- I just started getting there a half hour early 2 every day.</p> <p>3 Q. All right. So let's read into the record your notes. 4 Start with the first line. "Must disagree with the 5 term"? Is that what it says?</p> <p>6 A. Yeah. Unauthorized.</p> <p>7 Q. Unauthorized. Okay. The next one is addressing "The 8 2 to 6 minutes has not been fixed by leaving" -- 9 "leaving early"?</p> <p>10 A. Yep.</p> <p>11 Q. What does that mean?</p> <p>12 A. I started leaving 15 minutes early, but it was 13 February, and actually leaving 15 minutes early, I got 14 there at like virtually the same time. Traffic was 15 more. I could get stuck behind a school bus. So 16 15 minutes didn't work. You sure would think 17 15 minutes would work when you're only a minute or two 18 late, but it didn't work.</p> <p>19 Q. All right.</p> <p>20 A. So then I started leaving a half hour early.</p> <p>21 Q. Then it states, "Will make further adjustment"?</p> <p>22 A. Which I did. I started getting there at nine.</p> <p>23 Q. All right. So after this February 5, 2018, memo -- or 24 strike that.</p> <p>25 After your January 19, 2018, session with</p> |
| <p>Page 208</p> <p>1 going to -- you're going to encounter on those 2 commutes.</p> <p>3 BY MS. HARDY:</p> <p>4 Q. What do you mean for me personally they shouldn't get 5 worked up about it for --</p> <p>6 A. No. I personally wouldn't get worked up about anybody 7 being late unless it was like 15 minutes and then I'd 8 probably be more concerned, but . . .</p> <p>9 Q. Look at the handwriting on Exhibit 9. Is that your 10 handwriting?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. All right. And did you place it -- your handwriting 13 and objections on this document, then turn it back in 14 to Sue Choma?</p> <p>15 A. No. When she presented it to me and wanted me to sign 16 it, I'm like, well, I'm not signing it the way you 17 have it written here because you're -- you're missing 18 so many points, and so, again, these notes are on the 19 fly. I didn't have time to digest it or -- or, you 20 know, craft a -- a real good response. I -- on the 21 fly I had to make some notes, and so that's what these 22 are.</p> <p>23 Q. Well, if you had something more to say than the notes 24 that are reflected on Exhibit 9, you always could have 25 submitted that after the fact; correct?</p> | <p>Page 210</p> <p>1 Sue in which she went over these issues of tardiness 2 and overtime and working from home, did you comply at 3 all times with firm policy thereafter?</p> <p>4 A. I believe so. I'm not sure what you're referring to.</p> <p>5 B. I believe so. I was getting there at 9:00 every 6 morning.</p> <p>7 Q. So after January 19, 2018, you were no longer tardy 8 anymore?</p> <p>9 A. I think that there -- I got stuck in an accident, but 10 by then I had my OnStar, so I called her and said I'm 11 stuck in an accident or -- so yes. I believe I was 12 compliant.</p> <p>13 Q. Okay. And after January 19, 2018, were you fully 14 compliant with the firm policy on working from home?</p> <p>15 A. Yes. I believe so. Let me -- I think so.</p> <p>16 Q. And after 2000 -- or January 19, 2018, did you stop 17 charging overtime without express approval to do so?</p> <p>18 A. Where I sought that express approval, that one where 19 it's labeled I don't know what to do anymore, I 20 actually ended up getting reprimanded for that because 21 they didn't answer me and it was -- but we discussed 22 it, so I did have to work through my lunch to get the 23 stuff done, but then I ended up getting reprimanded 24 for it. Even though Chelsea said "I take full 25 responsibility," somehow I still ended up getting</p> |

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| <p>1 reprimanded for that.</p> <p>2 Q. What are you referring to?</p> <p>3 A. I worked through my lunch to get the stuff done.</p> <p>4 Q. When? When are you referring to and what specific</p> <p>5 project are you referring to?</p> <p>6 A. I don't have -- I don't have the date in front of me,</p> <p>7 but it was -- okay. So after this memo, I had</p> <p>8 mentioned it earlier in our discussions here, we got</p> <p>9 like six cases in, it was like 1:30 in the afternoon,</p> <p>10 they take roughly an hour to do, so if you count it</p> <p>11 out, 1:30, 2:30, 3:30, 4:30, 5:30, 6:30, 7:30, there's</p> <p>12 no way I was going to be able to take an hour lunch</p> <p>13 and get six of these things done. So I sent the</p> <p>14 email. I don't know what to do anymore. Do you want</p> <p>15 me to work through lunch or do you want me to get</p> <p>16 these done for you? And this is the whole cutting</p> <p>17 corners thing.</p> <p>18 So Sue says, "Well, how long do they take?"</p> <p>19 And I said, "Well, even cutting corners</p> <p>20 they take about an hour."</p> <p>21 And then whoa, cutting corners. Shoo.</p> <p>22 Huge blowup. It's like I don't cut corners, sorry I</p> <p>23 used that term, but, oh, it was all about the</p> <p>24 semantics of using the term "cutting corners." So</p> <p>25 they focused all on that. I still got these six new</p> | <p>1 Q. Sure.</p> <p>2 A. What time is it?</p> <p>3 Q. It is 2:41. Yes.</p> <p>4 MR. FARRAR: Okay.</p> <p>5 VIDEO TECHNICIAN: Going off the record.</p> <p>6 This marks the end of Media Unit Number 1. The time</p> <p>7 is 2:42 p.m.</p> <p>8 (Recess taken at 2:42 p.m.)</p> <p>9 (Back on the record at 2:52 p.m.)</p> <p>10 VIDEO TECHNICIAN: Here marks the beginning</p> <p>11 of Media Unit Number 2 in the deposition of Kathleen</p> <p>12 Liebau. The time is 2:52 p.m. on record.</p> <p>13 (Marked EXHIBIT 10 for identification)</p> <p>14 MS. HARDY: Let the record reflect that</p> <p>15 I've marked as Exhibit Number 10 a grouping of</p> <p>16 documents produced in this case that reflect</p> <p>17 timekeeping and attendance issues that were discussed</p> <p>18 with Ms. Liebau, and they're all Bates stamped.</p> <p>19 BY MS. HARDY:</p> <p>20 Q. I'd like to go over a number of them with you. Please</p> <p>21 look at 433. It's the top one. That is an email from</p> <p>22 Sue Choma to you on May 7, 2012, and it puts you on</p> <p>23 notice that you need to minimize your overtime now</p> <p>24 that you are part-time; otherwise, the benefit of you</p> <p>25 being off on Wednesdays will not be realized."</p> |
| Page 212 | Page 214 |
| <p>1 cases to do. So, you know, while they're having a</p> <p>2 little issue over that, I'm still trying to get the</p> <p>3 work done. I did, in fact, get the work done, but I</p> <p>4 had to work through my lunch hour to get it done. And</p> <p>5 then when Chelsea got the overtime report for that</p> <p>6 hour, she said, "I didn't know you were going to work</p> <p>7 that hour." I guess I should have been more specific.</p> <p>8 Like answer me would have been nice. Again, I got the</p> <p>9 work done. I thought that's what they wanted. I was</p> <p>10 wrong apparently.</p> <p>11 Q. All right. Let's just finish the handwritten comments</p> <p>12 that you put on Exhibit 9. So the second paragraph,</p> <p>13 read what you wrote in the margin.</p> <p>14 A. "Those late minutes accumulated for a total of</p> <p>15 4.75 hours of not working." And I wrote, "Without</p> <p>16 accounting for the extended time stayed after 5:30."</p> <p>17 Q. All right. Go down to the bottom of the page Bates</p> <p>18 stamped 215.</p> <p>19 A. "You did not call . . ." I have no cell phone. You</p> <p>20 cannot call. And then I also said, "Please check</p> <p>21 weather (storms) and accidents. Please confirm." And</p> <p>22 then I attempt -- I said, "It's a series of trial to</p> <p>23 see what works with Michigan weather."</p> <p>24 Q. All right. So --</p> <p>25 A. You know, can we take a little break?</p> | <p>1 A. That's what it says.</p> <p>2 Q. Yeah. And did you do that?</p> <p>3 A. We had a further discussion that there's work to do,</p> <p>4 and Sue also did not understand that I billed in DTE,</p> <p>5 so I remember seeing a series in your production, and</p> <p>6 so Clay -- I think she actually checked with Clay.</p> <p>7 Clay agreed we had things going on. And so I was</p> <p>8 instructed by Clay to keep getting the work done.</p> <p>9 Q. All right. So if I understand your testimony, you did</p> <p>10 not believe you needed to comply with the directive</p> <p>11 that you were given on May 7, 2012, as reflected in</p> <p>12 433?</p> <p>13 A. It was clarified.</p> <p>14 Q. And it was clarified that you could work overtime</p> <p>15 whenever you felt you needed to get the work done?</p> <p>16 A. Not in those words. She confirmed with Clay that we</p> <p>17 had things that we were -- needed to get done,</p> <p>18 so . . .</p> <p>19 Q. What does that mean about overtime? What overtime you</p> <p>20 were authorized to work or not work?</p> <p>21 A. Well, Clay's the partner. He's the equity partner.</p> <p>22 Q. I know. But you understood you had just -- you were</p> <p>23 generally entitled to work overtime whenever you felt</p> <p>24 there was work that needed to get done?</p> <p>25 A. You love to use that word "entitled." I didn't feel</p> |

19 (Pages 211 to 214)

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EXHIBIT 1

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|--|---|
| <p>1 entitled to anything. I was being the good employee 2 that is willing to put in what it takes to get the job 3 done, so it has nothing to do with my entitlement. 4 Q. All right. 5 A. It has to do with getting the -- 6 Q. Let's take the word "entitlement" out of it. You 7 believed that after you got this directive on May 7, 8 2012, Clay Guise gave you authorization to work 9 overtime whenever you felt it was needed without 10 getting specific authorization to do so? 11 A. I would be in contact with Clay often. 12 Q. Answer the question. 13 A. The way you phrased that is just -- it's just not the 14 way work works. I would -- I'd be working with Clay 15 on something. He wants it done. I think he 16 appreciated that I was willing to ensure that the work 17 got done. And I think he clarified with Sue that -- 18 that there was work to do. 19 Q. Well, work to do. Just like so whenever you thought 20 there was work to do you could work overtime? 21 A. Whenever there was, in fact, work to do, I got the 22 work done. 23 Q. And if that required you to work overtime or entailed 24 you working overtime, you thought you just had 25 approval to do it without getting someone to tell you</p> | <p>1 push that, yes, I would settle back in to just 2 28 hours, so there was -- there was some verbal 3 discussion on that. 4 Q. When do you claim that discussion occurred? 5 A. You know, this is '12. So it would -- it would 6 resurface periodically, but -- 7 Q. You don't have any dates? 8 A. I do not off the top of my head. 9 Q. Do you have any documents to substantiate that? 10 A. Well, we could look through this because I think I saw 11 some things in your production that I never saw 12 before. Shall we go through it? Or maybe you picked 13 and chose here. 14 Q. No. I want to know if you have any documents that 15 you've produced that -- that back up your story that 16 Sue Choma told you that the directive provided I'm 17 getting approval for overtime and minimizing overtime 18 would not apply whenever you were busy and thought you 19 needed to -- 20 A. Not -- not from -- 21 Q. -- to work additional -- 22 A. Not from Sue Choma. But in my reviews it was 23 repeatedly pointed out that I get a full-time job done 24 with reduced hours and that my work was exemplary. So 25 that is -- is a repeated theme year after year after</p> |
| <p style="text-align: center;">Page 216</p> <p>1 or agree on that particular occasion that that was 2 authorized; correct? 3 A. Again, that's not the way work works. 4 Q. Look, I understand how work works. I'm a lawyer too. 5 But -- or I am a lawyer. You're not. But the 6 question for you is, was it up to you in your view, 7 despite the directives that you had from Sue Choma, to 8 make your own decision about when it was appropriate 9 to work overtime? 10 A. I can't answer that question the way you phrased it. 11 Okay. I did not think it was only up to me, no. I 12 would get directive from the equity partner that 13 something had to be done by a certain time and I would 14 ensure that he had what he needed. 15 Q. All right. Answer the following question. After 16 May 7, 2012, did you get express approval to work 17 overtime before doing so? 18 A. That was -- no. That was virtually impossible most of 19 the time. 20 Q. All right. Did Sue Choma tell you at any point in 21 time that the directive provided to you on May 7, 22 2012, did not apply because Clay Guise had given her a 23 different direction? 24 A. We had some verbal that things were going on, and we 25 expected, you know, once we got through the current</p> | <p style="text-align: center;">Page 218</p> <p>1 year after year after year. 2 Q. Let's look at Bates stamp 400. It's the second page 3 in Exhibit Number 10. You are informed via this email 4 from Sue Choma dated July 27, 2015, that -- that you 5 are not supposed to be working through the lunch hour 6 and compensating for time by doing so; correct? 7 A. And compensating for time by doing so. 8 Q. You're not supposed to flex your time on a regular 9 basis by making up by working through lunch hour and 10 then either billing more time or making up for other 11 time. 12 A. Okay. This, however, was during -- if you see the 13 date, that's '15, so this is during the Brittany 14 years, so when we got that influx of general products 15 and door latch work, we were crazy busy, and my extra 16 hours did, again, become an issue, but Brittany always 17 wanted everything right now, so what I would do is get 18 it to her right now rather than making her wait that 19 extra hour while I went to lunch because that's what 20 Brittany wanted, and so then by 4:30 I'm at seven. 21 Q. All right. So you did not comply with the directive 22 that you received on July 27, 2015, from Sue Choma; 23 correct? 24 A. No. What -- no. What are you saying? I did not 25 comply? Yes, I did.</p> |

20 (Pages 215 to 218)

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|---|--|
| <p>1 Q. She told you you could not just work through your 2 lunch hour and bill additional time by doing so, and 3 you just kept doing it whenever you thought it was 4 necessary; right? 5 A. That is incorrect. 6 Q. What's incorrect about that? 7 A. I didn't just do it whenever I thought it was 8 necessary. That is -- that is a -- that's not an 9 accurate characterization of what I did. 10 Q. Well, did you -- did you -- if you felt that 11 it was necessary on a given day to work through lunch 12 and bill that extra time, did you advise Sue Choma 13 that Brittany has asked me to do something that's 14 going to require me to work through lunch and 15 therefore I'm going to not -- not do as you instructed 16 in your July 2015 email? 17 A. That never happened. 18 Q. Well, why didn't that happen? 19 A. But yeah. I'm -- when it -- that's the email. I 20 don't know what to do anymore. We've got all this 21 work. You want it done. It's lunchtime. What do you 22 want me to do? And so that's coming up in this stack 23 because I saw it one second ago. 24 Q. That email was from 2019; correct? The one that 25 you're referring to now?</p> | <p>1 to give them the work back. 2 Q. Sue Choma did your performance reviews every year; 3 right? 4 A. She conducted the meeting. 5 Q. She signed your performance reviews? 6 A. She actually really did not know the work that I did. 7 Q. She signed your performance -- 8 A. She wasn't -- she wasn't -- 9 Q. Answer the question. 10 A. She wasn't my -- she wasn't my supervisor. My 11 supervisors, Clay Guise, Brittany Schultz, Lisa Brown 12 for a while. That is who supervised my work and who 13 if I was going to work I would mention to that. 14 Q. Are you contending that Sue Choma did not have 15 authority to tell you that you needed to comply with 16 firm policy on attendance, on timekeeping, on 17 punctuality, et cetera? 18 A. It is Sue Choma's prerogative to quote me on policy 19 whenever she wants. 20 Q. All right. And to issue disciplinary or coaching 21 memos when you fail to comply with policy; correct? 22 You understood -- 23 A. Okay. 24 Q. -- she had that authority; correct? 25 A. As -- as you see, I didn't fail in her -- she says</p> |
| Page 220 | Page 222 |
| <p>1 A. Right. 2 Q. Four years after this email from Sue Choma in July of 3 2015. 4 A. Yes. It was four years after that. 5 Q. So just answer this question. We're going to be here 6 forever if we keep going like this because you're not 7 responding to questions. 8 A. Well, you're not phrasing them correctly. You're 9 phrasing them very accusatory and throwing in some, 10 you know, words that, no, that's not the 11 characterization of what -- what happens. 12 Q. You got a directive in July 2015 from Sue Choma that 13 you couldn't flex your time on a regular basis. Did 14 you comply with that or not? 15 A. Yes. I complied with that. 16 Q. All right. And did you inform her when you did flex 17 your time because you thought it was necessary to get 18 work done that you had done so with an explanation of 19 why you'd done so? 20 A. Again, I wasn't directly under Sue for the most part, 21 but I would coordinate with Brittany, you know, you 22 want this right now, so I'm not going to go to lunch. 23 Q. Sue was your supervisor; right? 24 A. My -- she was the office manager, and my supervisors 25 were the attorneys that give me the work and expect me</p> | <p>1 that I failed. You need to tell me first before you 2 write me up on something like this. So once I am 3 told, yes, I do what they demand that I do. 4 Q. All right. So you receive a email on flex time 5 telling you what the limits are in July 2015, and then 6 you get another one in May 2016, which has been Bates 7 stamped 396, in which Choma again has to remind you 8 that you cannot flex your time the way you've been 9 doing it on a regular basis. Do you see that? 10 A. Okay. 11 Q. All right. You didn't comply with the 2016 directive 12 from Sue Choma either, did you? 13 A. There is work. I did not -- human resources -- I 14 mean, it's kind of been an education. They live in a 15 different world than those that work in providing 16 services for the client. They're different worlds. I 17 always complied with my attorney requests to get work 18 done. 19 Q. All right. I've heard that enough and I don't need to 20 go over that territory again. 21 So let's go to 358. You'll have to flip 22 through this document till you reach 358. For the 23 record, this is an email from Clay Guise to Sue Choma 24 regarding overtime for Kathy Liebau, and it reads, 25 "Sue, We had a team meeting a few weeks ago. I told</p> |

21 (Pages 219 to 222)

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|--|---|
| <p>1 Kathy she needs to do this job without overtime and, 2 if she can't, we need to discuss." It is dated 3 February 3, 2018.</p> <p>4 A. Correct.</p> <p>5 Q. All right.</p> <p>6 A. Okay. What's your question?</p> <p>7 Q. Right. So you were told by Clay Guise that your sense 8 that there's work to do was not justification to bill 9 overtime without approval?</p> <p>10 A. Incorrect. Okay. So did you approve overtime working 11 1/12 and 1/13? And so -- and then I had this with Sue 12 on 19 where Sue told me if this job takes extra hours, 13 we'll get a full-time person to do it and then where 14 would that leave you? I told Clay about -- and 15 Chelsea about that, so that's when we discussed this. 16 So -- so by February 5th and February 3rd it was two 17 weeks ago, but it all relates to the same situation. 18 And in that situation, when I first told them exactly 19 what Sue said, if this job takes extra we'll get a 20 full-time person to do it and where would that leave 21 you, I then paraphrased that into if I work overtime, 22 Sue says I'm fired. So Clay was like that's not 23 right, but we did say we want to keep the overtime to 24 a minimum. Okay. But he also said, "That's not 25 right. Let me talk to her."</p> | <p>1 want overtime on this project that if you were to work 2 overtime you needed express approval in advance?</p> <p>3 A. Those words were never spoken.</p> <p>4 Q. You didn't think that that logically followed from the 5 directive from an equity partner, do not work overtime 6 and if you're going to do so, you better talk to me 7 and get approval before billing it?</p> <p>8 A. He never said that.</p> <p>9 Q. And so you just assumed you had a right to work 10 overtime without his approval?</p> <p>11 A. Hence -- hence the subject line when we got those 12 cases, which I think is the next time overtime came 13 up, I don't know what to do anymore. It's lunchtime. 14 We got six of these. What do you want me to do? And 15 I didn't get an answer. So, you know, in hindsight 16 are they pressuring me to just work for free? I'm 17 kind of getting that's the feeling, that, you know, 18 let's give her all this -- this about working but we 19 still want the work done, so maybe she just works and 20 doesn't get paid for it. Maybe that's it.</p> <p>21 Q. Did you ever consider the possibility that they 22 expected you to get the work done within your 23 regularly scheduled time?</p> <p>24 A. Not humanly possible.</p> <p>25 Q. And that's your view?</p> |
| <p>1 And Chelsea piped up, "Oh, I'll talk to 2 her. I gotta talk to her about something else 3 anyway."</p> <p>4 At which time our verbal January 19th 5 became a written reprimand. So Chelsea really fixed 6 that, didn't she? She made sure I got the written 7 reprimand. So -- so these dates here, it's not after 8 this. It's all the same. Okay?</p> <p>9 Q. Put the dates aside. When you were working on the 10 lemon law project, Clay Guise told you that job needed 11 to be done without overtime; correct?</p> <p>12 A. Not in those words. It was as I just said. I was 13 threatened. We discussed that we don't want overtime 14 on this, and I was like okay.</p> <p>15 Q. That came from Clay Guise; correct?</p> <p>16 A. Yes.</p> <p>17 Q. All right. So he said we do not want overtime on 18 this. Did you understand that that meant --</p> <p>19 A. He didn't --</p> <p>20 Q. -- you are not to bill overtime?</p> <p>21 A. He didn't say it in those words.</p> <p>22 Q. You just used those words. Those are your words.</p> <p>23 A. Because he said we're not on a regular basis going to, 24 but never any overtime? No. He was against that.</p> <p>25 Q. Did you understand after he told you that we do not</p> | <p>1 A. I -- I am a fast everything.</p> <p>2 Q. Let's look at 361 through 362.</p> <p>3 A. And it makes it slightly difficult because these are 4 out of . . .</p> <p>5 Q. I'm sure you'll be able to find it.</p> <p>6 A. Is it before or after 358?</p> <p>7 MR. FARRAR: Looks like it's around the 8 middle.</p> <p>9 BY MS. HARDY:</p> <p>10 Q. All right. So you received an email from Sue Choma on 11 February 12, 2018. She's rejected your time sheet 12 because her records show that you arrived late one day 13 which was not reflected in the time sheet, and this is 14 after the punctuality session that you had with her in 15 which she formally counseled you for being -- for 16 being tardy. And you responded --</p> <p>17 A. Wait. What number are we on?</p> <p>18 Q. 361 and 362.</p> <p>19 A. Oh, I was on 561. I'm sorry. Oh.</p> <p>20 Q. All right. So let me ask my question. Are you on 361 21 and 362?</p> <p>22 A. Yes.</p> <p>23 Q. All right. So you had an exchange in the February 24 time frame after the punctuality counseling session 25 with Sue Choma in which she's told you she's rejecting</p> |

22 (Pages 223 to 226)

EXHIBIT 1

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| Page 227 | Page 229 |
|---|--|
| <p>1 your time sheet because it's not accurate. You -- she 2 knows from your entry when you entered the door to the 3 firm that you arrived later than your time sheet 4 reflected, and your explanation was that you were 5 chatting with coworkers and you did not consider that 6 to be inappropriate to have recorded your time in that 7 fashion; correct?</p> <p>8 A. Incorrect.</p> <p>9 Q. What's incorrect?</p> <p>10 A. All of it. So this actually related to -- here we go. 11 2/5/18, 9:51. You did not notify me. So it's over 12 here. Why this is after February 5th. How the heck 13 did she do that? This is for February 5th. Yes. 14 Your time sheet 2/5. So the date of this reprimand 15 she had written that I came in at 9:51. So the reason 16 that this -- she is incorrect is because I walked in 17 with Carl that day, and I keep -- because I bill my 18 time, I keep a sheet next to my desk on when I come, 19 when I go, so I can bill my time, and I had written on 20 mine 4:51 -- or -- 9:44, and so when she challenged me 21 on it, I said I know that you wrote that because I 22 remembered seeing it there, but when I got back to my 23 desk I saw I got in at 9:44, and I came in with Carl 24 that day, so I asked her check the camera. Your 25 little checking of the comings and goings is</p> | <p>1 A. 2/5, 9:51. This dated '12 is still 2/5, 9:51. 2 Q. Your -- 3 A. So it wasn't an additional. It was the same one. And 4 now we're arguing about 9:44 and 9:51. 5 Q. Well, the point she's making, and this is after you 6 were counseled on January 19, that not only did you 7 come in late but you didn't accurately record your 8 time card. 9 A. I accurately recorded it. She made me falsify it, to 10 use her word. She made me falsify it. I say that. I 11 said, okay, if you're going to make me, but it won't 12 be accurate. 13 Q. She was basing it off of the time that -- 14 A. Here. I'll change it if you insist. 15 Q. -- your card showed entry into the building, and you 16 claim you don't -- you don't know why your card shows 17 entry at that time? 18 A. She could check the camera. I came in with Carl. Why 19 I went back out into the hall I don't remember. I 20 didn't remember then and I still don't remember. 21 Don't recall. But I came in with Carl. That I do 22 remember. And I told her to check the camera. We 23 have a camera. And so -- 24 Q. All right. Let's go to 499 and 501. Through 501. 25 MR. FARRAR: I'm sorry. What numbers?</p> |
| <p style="text-align: center;">Page 228</p> <p>1 incorrect. Check the camera. So I'd like to know did 2 she check the camera? Because I did come in with Carl 3 that day. 4 And chatting with coworkers is incorrect. 5 Chelsea was standing at my desk because I had got 6 caught behind an accident this day and she was ready 7 with questions. What's this? What's this? What's 8 this? So I immediately start rattling off her 9 questions ba da da. Why I came back through the door 10 at 9:51 I don't recall. I might have had to use the 11 bathroom, as I said here. I don't remember. But Sue 12 was incorrect. So apparently this is insubordinate of 13 me to not just accept anything Sue says when there is 14 clear evidence that it was different. 15 Q. What are you claiming Sue was incorrect about? 16 A. That I came in at 4:51. My card might have clicked at 17 4 -- 9:51, but I came in with Carl that day. And I 18 told her to check the camera. I would like to know if 19 she did, because I didn't get an apology. Instead I 20 got an unbelievable sent to my personnel file. So 21 what? Is it the job of a person who works for Dykema 22 now to just go, you know, oh, yes, ma'am, even if 23 she's incorrect? So that is one and the same that she 24 has written down over here. 25 Q. One and the same with what?</p> | <p style="text-align: center;">Page 230</p> <p>1 MS. HARDY: 499 through 501. 2 THE WITNESS: 499. It's just a couple of 3 pages past. 4 MR. FARRAR: Okay. Thank you. 5 BY MS. HARDY: 6 Q. Did you read through them? 7 A. Yes. And this is the one where Chelsea takes full 8 responsibility for the miscommunication and 9 misunderstanding, because she didn't answer me when I 10 said I don't know what to do anymore, so I worked and 11 got her the work. So she says right there she'll take 12 full -- but I got reprimanded again. I got called 13 into Sue's office and reprimanded again. 14 Q. You did not seek prior approval to bill overtime; 15 correct? 16 A. I sent them a direct email. How much more could I 17 seek? 18 Q. What in the email do you think expressly addresses the 19 issue of whether overtime is approved for a particular 20 project? 21 A. Where's my email to them? Here you go. In the middle 22 of 500 at 1:29 in the afternoon, so lunchtime, 23 "Subject: I don't know what to do Anymore." 24 Forwarding: New Cases. Do I keep working or go to 25 lunch?" Pretty simple question. To comply with</p> |

23 (Pages 227 to 230)

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|---|---|
| <p>1 getting the prior approval. Do they answer me?</p> <p>2 Again, I'm thinking they wanted me to work for free,</p> <p>3 and isn't that against the law?</p> <p>4 Q. And that's -- that's what you consider asking for</p> <p>5 approval to work overtime?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. All right. Let's move on. All right. Let's</p> <p>8 look at 493 to 495. It's beyond the 501. Following</p> <p>9 it.</p> <p>10 This series of emails addresses your</p> <p>11 failure to properly record your time; correct?</p> <p>12 A. Not my failure. But go ahead.</p> <p>13 Q. What's inaccurate about that?</p> <p>14 A. Okay. So you only got part of it right here. So this</p> <p>15 was when I went on vacation, and when I got back from</p> <p>16 vacation I had gotten the email from Jessica Williams</p> <p>17 that my time card wasn't completed, and by the time I</p> <p>18 got back from vacation I like forgot all about it. So</p> <p>19 Sue, you know, says, you know, my time card's not all</p> <p>20 set, blah blah blah. There's an earlier email where</p> <p>21 Sue emails Chelsea and me and says -- oh, when Chelsea</p> <p>22 gave approval for the 15 minutes of overtime. Sue</p> <p>23 says something, I've gotta do this, paraphrasing from</p> <p>24 memory, says something like Kathy hasn't filled in her</p> <p>25 time card from last week, we'll have to clear this up</p> | <p>1 vacation. It's spinning and spinning. It's down. I</p> <p>2 leave. And it's 5:30, so most people are gone. I</p> <p>3 can't exactly get assistance at that time because I'm</p> <p>4 there later than everybody else. So not only was</p> <p>5 Kronos down, I couldn't enter it, but Sue failed to do</p> <p>6 the time card reviewer job of putting it in.</p> <p>7 Q. All right. And your understanding of her</p> <p>8 responsibilities as a time card reviewer comes from</p> <p>9 something that you did in the pre 2012 time frame?</p> <p>10 A. Correct. For years.</p> <p>11 Q. But you can't identify any policy that states that she</p> <p>12 had that obligation?</p> <p>13 A. Just the years of experience doing it.</p> <p>14 Q. Okay. Let's go to 561 to 562.</p> <p>15 A. This one makes me laugh too.</p> <p>16 Q. They all seem to make you laugh; right?</p> <p>17 A. Because. Right. This -- this is -- if you -- if you</p> <p>18 notice, Sue's -- yes. Yes. The tones. The -- let's</p> <p>19 quote policy here. Okay. That's not the way we</p> <p>20 generally work, but this is what it became. But go</p> <p>21 ahead. What's your question?</p> <p>22 Q. You think referring to policy and expecting compliance</p> <p>23 with policy --</p> <p>24 A. Go ahead.</p> <p>25 Q. -- is -- is what a -- that she's being unreasonable?</p> |
| Page 232 | Page 234 |
| <p>1 when she gets back from vacation. Okay. So right</p> <p>2 there Sue caused the problem because a time card</p> <p>3 reviewer is supposed to fill it in so that the person</p> <p>4 gets paid and then do any adjustments the following</p> <p>5 week. Okay. That was procedure, and I know that</p> <p>6 because I was a time card reviewer for years.</p> <p>7 Q. Do you know of any written policy to that effect?</p> <p>8 A. I was a time card -- again, I don't live in policy.</p> <p>9 That's an HR thing. I was a time card reviewer for</p> <p>10 years, and what I was instructed to do by Carol Lally</p> <p>11 was if someone's not there, you fill in their regular</p> <p>12 hours and we make adjustments when they are available</p> <p>13 again. So Sue purposely let that go even though she</p> <p>14 knew I worked that week. She knew I had 15 minutes of</p> <p>15 overtime. So she purposely created this problem by</p> <p>16 not doing her job as a time card reviewer. And I</p> <p>17 didn't even remember this until it showed up on my</p> <p>18 review six months later, and I was like, oh, my gosh,</p> <p>19 this is on my review that -- that I didn't fill in my</p> <p>20 time card for a thing?</p> <p>21 And so then in addition to that, I also</p> <p>22 remembered the six months later that Kronos was down,</p> <p>23 and so that's why in the stuff I produced, and this is</p> <p>24 why I remembered so well, going through it to produce</p> <p>25 it to you, Kronos was down, so I'm leaving for</p> | <p>1 A. It's -- it's not the way that work worked. Work is --</p> <p>2 again, for the millionth time is work is you deliver</p> <p>3 the services to the client and -- and that is work.</p> <p>4 Q. And --</p> <p>5 A. Okay. Go ahead. Go ahead.</p> <p>6 Q. -- policy doesn't matter?</p> <p>7 A. Go ahead.</p> <p>8 Q. Complying with policy as part of your job does not</p> <p>9 matter? Is that your position?</p> <p>10 A. Interpretations of policy can vary from person to</p> <p>11 person I might suggest. But go ahead with your</p> <p>12 question.</p> <p>13 Q. All right. So this particular email chain concerns</p> <p>14 the fact that you identify Shannon Stewart as your out</p> <p>15 of office contact even though you knew she was not in</p> <p>16 the office for two of the days when you were out;</p> <p>17 correct?</p> <p>18 A. Do we have all of it here?</p> <p>19 Q. Look at 561 through 562.</p> <p>20 A. Yeah. Where's my email to Shannon?</p> <p>21 Q. Just respond to my question. You were out of the</p> <p>22 office --</p> <p>23 A. My email to Shannon's not here.</p> <p>24 Q. You're required to leave an out of the office message</p> <p>25 as to who clients or other attorneys can contact when</p> |

24 (Pages 231 to 234)

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|--|---|
| <p>1 you're away. You identified Shannon Stewart. In two 2 of the days that you were out she was also out. You 3 knew that, yet you did not bother to correct the 4 message.</p> <p>5 A. Can I object as to form and accusatory statements?</p> <p>6 MR. FARRAR: If you don't -- if you 7 understand the question, you answer.</p> <p>8 A. The way you characterize it is not the way it goes. 9 In my original email to Shannon, which is not included 10 here, I say to her I don't get many direct emails 11 these days because Chelsea virtually cut me off from 12 everything but can I use you, and she said yes but 13 she'd be out, but I don't get any emails anyway. So 14 who -- I mean, she did suggest using Chelsea or Sue, 15 but Chelsea would get anything on the lemon law 16 already because I only get stuff from Chelsea, and if 17 I got something on a switch case, neither Chelsea nor 18 Sue would know what to do with it. So leaving Shannon 19 there for the Thursday and Friday when I don't get any 20 direct emails anyway was like the lowest priority on 21 the mountain of things to be accomplished that day. 22 So very low priority for me. Clearly not for human 23 resources. We have different priorities. Very low 24 priority for me.</p> <p>25 BY MS. HARDY:</p> | <p>1 A. All right. You're right. You're right. Sorry. 2 Okay. So go ahead.</p> <p>3 Q. All right. So you were advised that you had not 4 entered time in accordance with firm policy?</p> <p>5 A. May I read?</p> <p>6 Q. You may read.</p> <p>7 A. "Billable Time. As it should be," --</p> <p>8 Q. No. No.</p> <p>9 A. -- "most of the time expended --"</p> <p>10 Q. Excuse me.</p> <p>11 A. -- "by attorneys and" --</p> <p>12 Q. Ms. --</p> <p>13 A. -- "legal specialists" --</p> <p>14 Q. Stop. Stop.</p> <p>15 A. -- "is spent servicing the client" --</p> <p>16 Q. Read it to yourself.</p> <p>17 A. My point is is that she's making me adhere to policies 18 for a legal specialist on the one hand and on the 19 other hand denies that I'm a legal specialist. So do 20 you see how I had two sets of rules to live by? So I 21 could get -- I could get slammed on the legal 22 specialist policies and then I could also get slammed 23 on the no one- or two-minute policies, so I got to be 24 slammed on both sides.</p> <p>25 Q. What are you claiming the difference was in policies</p> |
| <p>Page 236</p> <p>1 Q. I understand firm policy is that you are to leave a 2 contact person --</p> <p>3 A. And I did.</p> <p>4 Q. But you left a contact person who you knew wasn't 5 going to be there.</p> <p>6 A. Um-hmm.</p> <p>7 Q. Assuming that you wouldn't get any emails on those 8 days.</p> <p>9 A. And I didn't get any, so the point is moot. Sue's 10 email was relating to a fourth quarter PTO worksheet. 11 Not exactly high priority stuff. So I actually didn't 12 get any client emails during that week. It's a moot 13 point. It wasn't a problem until Sue made it a 14 problem. But I would like to point out something to 15 you. You know how she likes to quote policy?</p> <p>16 Q. You know, you're here to respond to questions, not to 17 just give speeches, so let's move on. All right. 18 Look at 755 to 757.</p> <p>19 A. This is the same one. 755. It's the same one; right?</p> <p>20 Q. This concerns your failure to comply with firm policy 21 in terms of entering time.</p> <p>22 A. It's the same one we just looked at. Right. So, look 23 it --</p> <p>24 Q. No, it's not. We looked at 561 and 562 before. Now 25 we are on 755 through 757.</p> | <p>Page 238</p> <p>1 between the AA, which you were, versus a legal 2 specialist?</p> <p>3 A. She would have never clipped this billable time 4 requirement that I get it in. If I'm -- if I -- this 5 is only for attorneys and legal specialists have to 6 get it in.</p> <p>7 Q. It's for people who are billing time; correct?</p> <p>8 A. It says legal special -- does it say legal specialist?</p> <p>9 Q. So that's why you thought you could just skip it? 10 Because you -- while you claim you're a legal 11 specialist, you weren't really a legal specialist, so 12 you just didn't have to comply with the policy for 13 entering time in the system that's being billed to a 14 client?</p> <p>15 A. I was just too busy. And so -- and I think, as many 16 timekeepers at the firm can attest to, is that you 17 often get so busy that doing your time when it's 18 pulled certain days of the week will fall on that 19 priority ladder when you are so busy that you can't do 20 it. But I think the interesting thing here is that 21 I'm being held to a policy for legal specialist. To 22 me that's interesting.</p> <p>23 Q. You're being held to a policy for people who bill time 24 to a client.</p> <p>25 A. Does it say that?</p> |

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|--|--|
| <p>1 Q. That's what you understood; correct?</p> <p>2 A. I understood myself to be a paralegal for well over a</p> <p>3 decade.</p> <p>4 Q. So if you truly understood yourself to be a paralegal,</p> <p>5 you just thought you could not comply with the time</p> <p>6 requirements applicable to paralegals?</p> <p>7 A. I -- I -- I just answered that. It would fall down on</p> <p>8 the priority ladder when there is an exceptional</p> <p>9 amount of work to do, which there almost always was.</p> <p>10 Q. Let's go to 548 through 550. It's later in the stack.</p> <p>11 You are advised on August 9, 2019, by Sue Choma that</p> <p>12 you have not completed your time in Kronos for the</p> <p>13 previous day or start time that day; correct?</p> <p>14 A. Well, this is between Sue and Ayanna. That's not to</p> <p>15 me.</p> <p>16 Q. She advised you of that; correct?</p> <p>17 A. We're at 548; right?</p> <p>18 Q. 548 through 550.</p> <p>19 A. I wasn't addressed on this.</p> <p>20 Q. All right. So let's just take the underlying facts.</p> <p>21 You did not complete your time in Kronos for that</p> <p>22 particular day; correct?</p> <p>23 A. According to Sue, apparently not.</p> <p>24 Q. You don't have a basis for disputing that, do you?</p> <p>25 A. I don't.</p> | <p>1 A. Okay. "Ms. Larsen states there was an incident where</p> <p>2 Kathy included opposing counsel in an email response</p> <p>3 where she should not have." That is a false</p> <p>4 accusation. "Kathy failed to communicate" --</p> <p>5 Q. Slow down. Where -- where is that particular entry?</p> <p>6 A. The last sentence in the first paragraph.</p> <p>7 Q. Are you on 24, Page 24?</p> <p>8 A. Yes. In the last sentence of the first paragraph. It</p> <p>9 says, "Ms. Larsen states there was an incident where</p> <p>10 Kathy included opposing counsel on an email response</p> <p>11 when she should not have." That is a false</p> <p>12 accusation.</p> <p>13 Q. All right.</p> <p>14 A. "Kathy failed to communicate to me per policy by not</p> <p>15 notifying me of when she was running late in an</p> <p>16 ongoing basis." So that is Sue's interpretation of</p> <p>17 this apparently. And so this is supposed to be for</p> <p>18 year 2017, but she included 2018 issues and work</p> <p>19 that's supposed to be for 2017, and she already made</p> <p>20 her -- her point of view clear but felt she had to say</p> <p>21 it again. "Kathy's active listening skills need</p> <p>22 improvement as in a previous discussion with me she</p> <p>23 shared information with others that I allegedly said</p> <p>24 which was not accurate." And "She also</p> <p>25 inappropriately shared our confidential meeting with</p> |
| <p style="text-align: center;">Page 240</p> <p>1 Q. Okay. All right. Let's go to 545 through 547. On</p> <p>2 August 20, 2019, you again had failed to enter your</p> <p>3 time and be compliant with policy; correct?</p> <p>4 A. Again, I was not addressed on this email. I did -- I</p> <p>5 was not privy to it.</p> <p>6 Q. Are you disputing that you failed to enter your</p> <p>7 time --</p> <p>8 A. Well, she's got --</p> <p>9 Q. -- for August 20, 2019?</p> <p>10 A. She's got clips in there, so . . .</p> <p>11 Q. That -- that substantiate the fact that you did not</p> <p>12 enter your time; correct?</p> <p>13 A. I don't recall if I did it or not. This appears to</p> <p>14 show that. Again, we gotta talk about priorities</p> <p>15 here. They're pulled on Mondays. So there's that.</p> <p>16 (Marked EXHIBIT 11 for identification)</p> <p>17 BY MS. HARDY:</p> <p>18 Q. All right. Let's move on. I'm going to show you</p> <p>19 what's been marked as Exhibit Number 11, which is your</p> <p>20 2018 Staff Performance Evaluation. The evaluator is</p> <p>21 Sue Choma, your supervisor. And it has been Bates</p> <p>22 stamped 24 through 28. I want you to review this</p> <p>23 document and tell me what you take such objection to</p> <p>24 in this document that you previously described as</p> <p>25 harsh reprimands and severe beatings.</p> | <p style="text-align: center;">Page 242</p> <p>1 others." And then she goes on.</p> <p>2 So this was when she said, "If this job</p> <p>3 takes more hours to do it, we'll get a full-time</p> <p>4 person and where would that leave you?" Which I</p> <p>5 paraphrased into if I work extra hours I'm fired. And</p> <p>6 I told this to Chelsea and Clay, the people I work</p> <p>7 for, because they have a right to know the</p> <p>8 restrictions that Sue is placing on my availability</p> <p>9 because, as I said, I'm not working these extra hours</p> <p>10 for me. I am working these extra hours for them. And</p> <p>11 so if Sue is putting this on me, they had a right to</p> <p>12 know it. And so all of that is inaccurate.</p> <p>13 And harsh and I was confrontational. Yeah.</p> <p>14 The February 12th when I told her to check the camera</p> <p>15 about Carl. Easy enough. I would like to know if she</p> <p>16 checked that camera. Then we would know who's not</p> <p>17 telling the truth here.</p> <p>18 Seemingly needed to have the last word.</p> <p>19 Okay. So all of that.</p> <p>20 Q. It was at your request that you work part time;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you worked four days a week; correct?</p> <p>24 A. Correct.</p> <p>25 Q. In 2018 and '19?</p> |

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|---|--|
| <p>1 A. Correct.</p> <p>2 Q. You worked Monday, Tuesday, Thursday, Friday?</p> <p>3 A. Correct.</p> <p>4 Q. All right. But you disagree with the notion that if you are working on a project where overtime is not acceptable and you can't get your work done within four days that they might have to look for a full-time employee to do the job if it can't be done in the four days that you wanted to work without overtime?</p> <p>10 A. I mean, if it came to that, they could have asked me to come back full time. I mean, I worked full time before. But in this -- in this case it wasn't that I couldn't get the work done in four days; it was that Chelsea wanted them now. So the fact that I could get them all done by Friday was not the issue. The issue was her calls I believe were on Tuesday, they moved around, but I believe they were on Tuesday at this point, so if we got eight new cases in on Monday, she wanted those eight new cases Monday. She didn't want them Friday. So whether I was full time or part time, doing eight new cases would necessitate at least eight hours because they're about an hour each if you don't cut corners or even cutting corners. So right. It would have -- because of her demands on when she wanted them, it was a day thing, not a week thing.</p> | <p>1 Q. All right. And what do you mean it went way down?</p> <p>2 A. I didn't work the hours that were required to get them done.</p> <p>4 Q. Right. After you were told you couldn't work overtime without preapproval, did you always seek preapproval?</p> <p>6 A. I believe so.</p> <p>7 Q. After January 29, 2018, you always sought preapproval for overtime?</p> <p>9 A. When was Martin Luther King Day? Because that was the whole issue -- that was the whole issue was that I worked over Martin Luther King holiday, and I actually did send an email to Chelsea to which she didn't respond, so -- and, again, calls are on Tuesday.</p> <p>14 Q. We've got two instances where you claim you sought approval: The one email you've referred to and the 15 minutes where you claim she approved it.</p> <p>17 A. I am pretty sure. I would have to like go through all my time records, which I always kept them in my drawer down there, all the old written ones. I believe since this became an issue and after the I-don't-know-what-to-do-anymore email, I always sought approval before being paid for any extra hours. I was somewhat coerced into working extra hours because I got there at 9:00 in the morning and the emails would come -- start flying, but I didn't put in for the time</p> |
| <p>1 Q. Why didn't you seek approval each and every time you needed to do overtime in light of the fact that you knew that overtime was as a general rule not allowed?</p> <p>4 A. Once this happened I did.</p> <p>5 Q. You pointed out one example of when you claim you sought approval to work overtime.</p> <p>7 A. And then the one where Sue didn't do my time card and Chelsea said, "Yeah, I asked Kathy to work 15 minutes today," which Chelsea did ask me. Well, and I'd have to -- because Chelsea used to like to talk at 5:30, so I'd go, "You know, Chelsea, I'd be on overtime. Do you want me to do this?" And so that one time she did. So yes, after that this I always sought approval.</p> <p>15 Q. Well, always sought approval and two times in two years is a different -- very -- very different situation.</p> <p>18 A. My overtime went way down after this. Right?</p> <p>19 Q. After -- after -- what are you pointing to?</p> <p>20 A. After this -- this reprimand. My overtime hours went way down.</p> <p>22 Q. After the January 19 reprimand?</p> <p>23 A. Right.</p> <p>24 Q. 2018 -- January 29, 2018?</p> <p>25 A. Correct.</p> | <p>1 because I'm coerced into working for free.</p> <p>2 Q. What do you mean you were coerced into working for free?</p> <p>4 A. Answer this email, I see you sitting there, I'm going to come talk to you, it's only 9:15 but you're here at 9:00 in the morning so I assume that you're here to work.</p> <p>8 Q. Why didn't you go sit in the lunchroom, have a cup of coffee if you got there early and you weren't ready to work yet?</p> <p>11 A. That could have been an option you would choose. I don't know.</p> <p>13 Q. Okay.</p> <p>14 A. I chose to read the news, you know.</p> <p>15 Q. Let's go back to Exhibit 11. What -- what else do you take objection to as being harsh reprimands or severe beatings in Exhibit 11?</p> <p>18 A. All right. So we touched on this. "Work product for Ms. Larsen is generally good but some typos/inconsistencies have been noticed. Some difficulties in establishing priorities have been observed and Ms. Larsen is working with Kathy to provide feedback to improve this." So all of that.</p> <p>24 Q. All right. So this is referring to the California warranty project, otherwise known as the lemon law</p> |
| | |

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|--|--|
| <p>1 project; right?</p> <p>2 A. Correct.</p> <p>3 Q. All right. So at -- and this is referring to your</p> <p>4 2017 performance; correct?</p> <p>5 A. Theoretically. But Sue did not limit it to that.</p> <p>6 Q. Well, all right. Let's say it's even, you know, late</p> <p>7 September when you started on that up until the time</p> <p>8 it's -- it's signed, which is in March 2018. So let's</p> <p>9 not quibble over whether it stopped immediately at the</p> <p>10 turn of the -- at the beginning of the new year or</p> <p>11 whether it covered up until March. You were new to</p> <p>12 that project; correct?</p> <p>13 A. It was new to the firm.</p> <p>14 Q. Yeah. It was very different than the other project</p> <p>15 you'd worked on for Clay; correct?</p> <p>16 A. Yes.</p> <p>17 Q. All right. It's very fast-paced and time-sensitive;</p> <p>18 correct?</p> <p>19 A. So was my old project.</p> <p>20 Q. Well, more so than your prior project?</p> <p>21 A. Actually no. They were both intense.</p> <p>22 Q. Would you agree with the general proposition that</p> <p>23 there's always a learning curve on a new project?</p> <p>24 A. I would. And I would also agree that team members who</p> <p>25 actually want to make it work and don't have age bias</p> | <p>1 Q. So what is so terrible about that reference?</p> <p>2 A. I have actually been very, very strong about</p> <p>3 establishing priorities, as had been noted in all my</p> <p>4 reviews prior to this. I had huge amounts of</p> <p>5 deadlines. I had three different discovery cases</p> <p>6 going.</p> <p>7 Q. We're not talking about history.</p> <p>8 A. Right.</p> <p>9 Q. We're talking about the new project that you're</p> <p>10 working on as of --</p> <p>11 A. So the prior --</p> <p>12 Q. -- the end of September 2017.</p> <p>13 A. So the priorities that she's talking about here was I</p> <p>14 was doing the work on each case and finishing it and</p> <p>15 moving to the next. Okay. I think she says it down</p> <p>16 here in some non-value added stuff, but . . . So to</p> <p>17 me that is the most efficient way to do something.</p> <p>18 You finish it. The more you touch something, the more</p> <p>19 you're wasting time. So you try to touch something</p> <p>20 once, you finish it, and you move to the next. She</p> <p>21 didn't want me to do the database and the numbers that</p> <p>22 we're going to need for month end. She wanted me to</p> <p>23 just whip through it, get the summaries to her, and</p> <p>24 circle back and do the rest of the work later, so she</p> <p>25 called that a problem with prioritizing, which I</p> |
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| <p>1 against me, we would work as a team to make it work,</p> <p>2 not pick out and poke at any small indiscrepancy [sic]</p> <p>3 while these processes are being developed. We would</p> <p>4 have each other's back, so to speak, rather than wait</p> <p>5 for the opportunity to throw somebody under the bus.</p> <p>6 Q. Do you think you were thrown under the bus in Exhibit</p> <p>7 Number 11?</p> <p>8 A. Well, we're -- I've read how many paragraphs and the</p> <p>9 majority are inaccurate. So right.</p> <p>10 Q. You receive a meets expectation rating in this review.</p> <p>11 A. And she should not have -- wait. Is this the one</p> <p>12 where it says -- or is it '19? Okay. It was in '19,</p> <p>13 then, we went to the new form, so never mind.</p> <p>14 Q. Do you think it's throwing you under the bus to</p> <p>15 suggest that when you're on a new project and there's</p> <p>16 a learning curve that there are some things that you</p> <p>17 need to focus on to be even better than meets</p> <p>18 expectations?</p> <p>19 A. I think worded like that would have been absolutely</p> <p>20 right on. Worded like this, accusing me, first of</p> <p>21 all, of sending something that I didn't do, "but some</p> <p>22 typos/inconsistencies have been noticed. Some</p> <p>23 difficulties in establishing priorities have been</p> <p>24 observed and Ms. Larsen is working with Kathy . . ."</p> <p>25 So --</p> | <p>1 paraphrased into cutting corners. So --</p> <p>2 Q. But she's the attorney that's assigning you the</p> <p>3 work --</p> <p>4 A. And I did it her way, didn't I?</p> <p>5 Q. All right. All right. So, but can you accept the</p> <p>6 fact that she gets to make the judgment as to what the</p> <p>7 priorities are?</p> <p>8 A. And I -- and I did follow her directives, but she</p> <p>9 didn't have to write it in my review. That's not what</p> <p>10 team members do to each other. Right? I mean, you</p> <p>11 want to have a good working team, you got each other's</p> <p>12 backs. You don't, you know, nitpick about -- but I</p> <p>13 did do her priorities. It was more work for me</p> <p>14 because she also wouldn't let me save anything, so I</p> <p>15 had to repull the records to finish the job. That's</p> <p>16 more work for me.</p> <p>17 Q. All right. What else do you take exception to as</p> <p>18 being unduly harsh in Exhibit 11, if anything?</p> <p>19 A. Actually the response from last year, I don't have to</p> <p>20 read that, but did you -- you know, she writes, "Kathy</p> <p>21 is great at organizing, prioritizing and using her</p> <p>22 time well to manage," you know, but then you see</p> <p>23 Larsen's where I'm having these difficulties. But,</p> <p>24 anyway, let's not do the response from last year.</p> <p>25 Well, so why did Sue even -- "I was</p> |

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|--|---|
| <p>1 disappointed that Kathy was ultimately unwilling to 2 work in our Detroit office last July for a temporary 3 period (up to 3 months) to assist with administrative 4 coverage, especially in light of the fact that her 5 switch work had ended and she did not have substantive 6 work to do. This definitely detracted from the 7 successful functioning of the firm." She didn't note 8 there that it was two more hours out of my day, that 9 it would have cost me more gas, that I'd need to get a 10 cell phone. So she didn't mention any of those 11 things.</p> <p>12 She asked me to reinvent myself. I think 13 we talked about this last time. And refresh myself on 14 AA work, which basically proves that I hadn't been 15 doing AA work. Right? So I could continue to make a 16 valuable contribution. "This did not happen to any 17 significant degree." Well, what did happen was I got 18 a new substantive project. That's what did happen. I 19 didn't have to reinvent myself because I was already 20 accurate, fast, timely, did what it took, enthusiastic 21 about getting the work done. So I got myself a 22 brand-new project, yet she puts a negative spin on it 23 that I didn't, you know, refresh myself on AA work and 24 reinvent myself. She actually told me to go around 25 the office and bring doughnuts. So --</p> | <p>1 But I do note that she writes all have been corrected 2 and I am confident she will adhere moving forward, 3 which I did because I got there a half hour early 4 every day from then on out for the next two years. 5 Q. All right. So have you covered everything that -- 6 A. I got this last page here. Okay. Again, the typos. 7 These were typos. These are typos. My typos were 8 one, two. This is actually just not caring. So yes. 9 I am being called out twice for typos. 10 Q. If you thought that Robin's alleged typos were so 11 problematic, why didn't you bring them to Chelsea's 12 attention? 13 A. I did. 14 Q. June 14, 2019. 15 A. That's when she says that I did, but I had mentioned 16 it to her frequently, and she wanted them in client 17 ready position, so that meant that I had to fix it and 18 I had to fix Lisa's too. 19 Q. When did you inform Chelsea that Robin had made typos 20 in her work product that you had to correct? 21 A. Frequently. 22 Q. When? 23 A. I -- I can't recall the dates. 24 Q. Do you have -- 25 A. But as I --</p> |
| <p>1 Q. It's a true statement what she put in your review 2 about the Detroit office?</p> <p>3 A. From a one-sided perspective. It should have said we 4 asked Kathy to work two more hours a day without pay 5 and have extra gas and need a cell phone to go to the 6 Detroit office for up to three months. And what if 7 Evelyn didn't make it? I could be stuck down there 8 forever. I already worked down there for ten years. 9 That was -- I don't want to go back to Detroit.</p> <p>10 Q. Why?</p> <p>11 A. Two-hour commute.</p> <p>12 Q. All right. So have you covered everything in the 13 document that you consider unduly harsh?</p> <p>14 A. So pretty much I'm hating it; right?</p> <p>15 Q. Do you recognize that Chelsea said complimentary 16 things about you as well as the constructive criticism 17 about areas where she thought you could improve?</p> <p>18 A. I wouldn't call it constructive criticism, and I see a 19 lot more false statements in here than I -- than I see 20 of any person wanting to be -- to make a team work, 21 so . . . So . . . Yeah. I mean, why is she -- you 22 know, here we had a documented discussion in 23 February '18. Well, this is 4/18, so what's it 24 doing -- why is that in here? Because it's supposed 25 to be for '17. But she chose to put it in here again.</p> | <p>1 Q. Do you have any notes that reflect when you allegedly 2 brought that to her attention?</p> <p>3 A. I think right from the get-go. Because we would each 4 send them to Chelsea, our portions, and then Chelsea 5 would tell me to put them together and -- and so I 6 think right from the get-go. I said, you know, 7 there's a lot of typos in here, and she's like, "Well, 8 get it client ready." So she was fully aware that I 9 was doing it. And then when she brought --</p> <p>10 Q. How was she supposed to know what typos you considered 11 to be Robin's?</p> <p>12 A. She's the attorney on the project and she's supposed 13 to be looking at stuff that people send her, and she 14 told me to get them client ready. So how -- how is 15 she not understanding that I'm fixing Robin's typos? 16 But if I happened to miss Robin's typo, then it's my 17 typo; right? So . . .</p> <p>18 Q. You can't recall any specific conversation with 19 Chelsea in which you made her specifically aware of 20 Robin's typos?</p> <p>21 A. When I had been getting this rapid fire harassment, 22 criticisms constantly and yet I'm -- and then we're 23 doing one and here I am again faced with fixing 24 Robin's work. It was a little bit too much for me to 25 continue to absorb without a little emotion.</p> |

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EXHIBIT 1

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|---|--|
| <p>1 Q. What are you referring to with the rapid fire 2 harassment, criticisms?</p> <p>3 A. Oh, my gosh.</p> <p>4 Q. I mean --</p> <p>5 A. This is wrong. That's wrong. This is the policy. 6 Let's go with this, go with that. It was rapid. I 7 mean, I actually planned to do -- was going to do a 8 timeline and never did, but it was like I was being 9 threatened with termination once a week. You will be 10 terminated. You will be terminated. Can you imagine 11 being --</p> <p>12 Q. Who are you claiming said that to you once a week?</p> <p>13 A. Sue Choma. Sue Choma.</p> <p>14 Q. Said once a week you will be terminated.</p> <p>15 A. Pretty much.</p> <p>16 Q. Over what period of time?</p> <p>17 A. During -- certainly during 2019.</p> <p>18 Q. Starting when?</p> <p>19 A. I -- I would say 2019. All of it.</p> <p>20 Q. From January through --</p> <p>21 A. Yeah.</p> <p>22 Q. -- August --</p> <p>23 A. I mean, doesn't she threaten with me termination here 24 too? Okay. Yeah. She hadn't started threatening me 25 with termination yet. It was a weekly thing at least.</p> | <p>1 A. I kept things to defend myself.</p> <p>2 Q. Right. So, but you didn't keep all the emails where 3 Sue Choma was saying once or twice a week that she was 4 going to terminate you?</p> <p>5 A. I just said they're probably in that -- my left-hand 6 drawer right there.</p> <p>7 Q. Well, in a drawer at home or in the drawer at the 8 office?</p> <p>9 A. At the office.</p> <p>10 Q. Why on earth would you have kept a thousand or more 11 documents from the firm that you then turn over to the 12 EEOC but you didn't keep the emails in your personal 13 possession where the office manager and your 14 supervisor is threatening to terminate you more than 15 once a week?</p> <p>16 A. Because those were not directly to disprove a false 17 allegation against my performance. I mostly kept 18 things when a false allegation was made against my 19 performance. I wanted documents to show this couldn't 20 be true, this is false and this is false.</p> <p>21 Q. You kept a lot more than what you call false 22 allegations, because you turned -- certainly turned a 23 lot more over to the EEOC.</p> <p>24 A. They support that the allegations against me were 25 false. You know, like the time records. I was</p> |
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| <p>1 Q. At least. So in conversations she said --</p> <p>2 A. In conversations. In emails.</p> <p>3 Q. Oh, in emails? Do you have those emails?</p> <p>4 A. If I -- the ones I do, you have.</p> <p>5 Q. You've given me every email --</p> <p>6 A. I've given you everything.</p> <p>7 Q. -- in which she once or more than once a week said you 8 will be terminated, you will be terminated?</p> <p>9 A. Pretty much.</p> <p>10 Q. And how many emails were there to that effect?</p> <p>11 A. It sure seemed like a lot. So, yeah, was I paranoid?</p> <p>12 Heck yeah.</p> <p>13 Q. You kept those emails; correct?</p> <p>14 A. Some. Whatever I gave you. What I -- also, though, I 15 had some things because as I went through, there were 16 things that I remember that I didn't have, so 17 sometimes I would print them and put them in my drawer 18 on the left, and when I was escorted out of the office 19 like a criminal, I was not allowed to take anything, 20 so whatever was in that left-hand drawer of printed 21 out things, there might be some more stuff right 22 there. I don't know. I don't recall what was there. 23 But that is where I would set things.</p> <p>24 Q. Well, you kept a lot of material from the firm; 25 correct?</p> | <p>1 accused of being slow and not getting enough done. 2 Well, according to the time records, I'm doing them 3 quicker than anyone else. If I get six of them done 4 in two hours and Robin took 1.8 to do one, who's doing 5 them faster? You know. Or Lisa Myers took 2.2 hours 6 to do one. You know, but I'm getting --</p> <p>7 Q. They're not all equal, are they?</p> <p>8 A. No, they're not. That's why I printed a variety, so 9 you'll kind of get the gist.</p> <p>10 Q. All right. So are you done with your testimony on the 11 issues that you have with Exhibit 11, which is your 12 2018 evaluation?</p> <p>13 A. I don't like the overall because "Kathy should 14 demonstrate more flexibility and be more receptive to 15 how others view her work and communications" is, well, 16 if you're making false allegations against this 17 employee, am I supposed to embrace these allegations 18 with like open arms? I think not. So I don't like 19 that either. I think that was also not nice.</p> <p>20 Q. Okay. Are you done?</p> <p>21 A. Yep.</p> <p>22 (Marked EXHIBIT 12 for identification)</p> <p>23 BY MS. HARDY:</p> <p>24 Q. All right. So let's turn to Exhibit Number 12, which 25 is your probation memo dated May 9, 2019, with the</p> |

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EXHIBIT 1

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|--|--|
| <p>1 attached emails concerning the conflict issue that is 2 the subject of the probation, one of the subjects of 3 the probation memo.</p> <p>4 All right. So let's talk about the 5 assignment you received from Sue -- from Chelsea 6 Larsen to run a conflict check on April 29, 2019. 7 That did not concern the lemon law project; correct?</p> <p>8 A. Correct.</p> <p>9 Q. It concerned another client and another project; 10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And the reason you were asked to run this conflict 13 check is because Shannon Stewart, who otherwise would 14 run it, was out that week on vacation; correct?</p> <p>15 A. Actually that is not correct. Chelsea Larsen had an 16 administrative assistant assigned to cover Shannon's 17 regular work, which would include this conflict. 18 Shannon only asked me to do the lemon laws because we 19 gotta do them -- we gotta -- we gotta do them right 20 away because, you know, they gotta get in that 21 spreadsheet by the end of the day, so I was asked 22 specifically to do the lemon law stuff. And then 23 Shannon sent me the required information so that I 24 could do them, and so that was what we were gonna do. 25 For this one, Chelsea got it on this Monday morning,</p> | <p>1 A. I'm not going to let you pull that out all by itself. 2 I did not have the information to complete on this 3 thing because Shannon did not give it to me, so I did 4 not have the information required.</p> <p>5 Q. Chelsea Larsen told you to go to Clay Guise to get the 6 information; correct?</p> <p>7 A. She did not.</p> <p>8 Q. You had a conversation with her, according to your 9 submission to the EEOC, in which you acknowledged that 10 she -- you and she had a conversation on the afternoon 11 of Thursday, which would have been May 2, I believe, 12 and she told you that you should go talk to Clay Guise 13 to get the information?</p> <p>14 A. The actual way it went down was I said we're going to 15 the printer and I said, "Chelsea, I don't have the 16 information for the switch case. I don't even know 17 who the billing attorney is." 18 And she said, "I think it's Clay on all the 19 switch stuff. Go ask him."</p> <p>20 So is she talking about who the billing 21 attorney is? Because there's a whole lot more to it 22 than just who's the billing -- it's four -- four 23 screens of things. You gotta know billing codes. You 24 gotta know all this different stuff. So I took that 25 offhanded remark, which, again, she said in a very</p> |
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| <p>1 and we were walking over to Clay to go over some of 2 the assessments, and she tells this story about how 3 opposing counsel --</p> <p>4 Q. We don't need to go into all of that. She asked 5 you --</p> <p>6 A. It does have some bearing.</p> <p>7 Q. She told you to do the conflict check.</p> <p>8 A. And I said sure.</p> <p>9 Q. Okay. She told you on April 29 to do the conflict 10 check.</p> <p>11 A. And I said sure.</p> <p>12 Q. All right. It was not on the lemon law project, but 13 it, nevertheless, was an express directive from 14 Chelsea Larsen?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. All right. And you did not do the conflict check that 17 week, did you?</p> <p>18 A. I did not have the information to complete the 19 conflict check.</p> <p>20 Q. You did not do it, did you?</p> <p>21 A. I did not have the information to complete the 22 conflict check.</p> <p>23 Q. Just answer the question.</p> <p>24 A. I did.</p> <p>25 Q. You did not do it, did you?</p> | <p>1 snarky tone as "I think it's Clay on the switch stuff 2 for a billing attorney. Go ask him." Okay. Well, 3 you know, I worked with Clay on switch stuff for well 4 over a decade. I know he's involved. But that won't 5 answer the four screens of questions that need to be 6 completed for a conflict check. So I didn't have the 7 information.</p> <p>8 Q. So you just stopped right there and didn't do anything 9 further?</p> <p>10 A. I continued on with other work.</p> <p>11 Q. You didn't go talk to Clay to ask whether he could 12 provide the information that you needed to complete 13 the conflict check; correct?</p> <p>14 A. I -- again, I took her --</p> <p>15 Q. You did not go to Clay to --</p> <p>16 A. I didn't.</p> <p>17 Q. -- ask him; correct?</p> <p>18 A. I did not.</p> <p>19 Q. All right. And you did not go back to Chelsea and say 20 I need further direction as to where I get this 21 information so that I can complete the conflict check 22 per your instructions; correct?</p> <p>23 A. I did not quote what you just said. No. I never said 24 that.</p> <p>25 Q. All right. And you instead waited until 4:26 on</p> |

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|---|---|
| <p>1 Friday, May 3 and sent an email to Shannon Stewart 2 putting it back on her plate for Monday morning when 3 she returned from vacation?</p> <p>4 A. And that's why I did it so late, so it would be at the 5 top of her mailbox.</p> <p>6 Q. All right. So you had been told to get it done that 7 week on Monday the 29th. You were told to go talk to 8 Clay Guise. You didn't do either of those, did you?</p> <p>9 A. I was told to do it on Monday. I didn't realize that 10 I didn't have the information until Thursday. Because 11 I don't normally do these. I hadn't done one since we 12 got the new system. So --</p> <p>13 Q. You'd been to training on the new system on 14 January 10th; correct?</p> <p>15 A. Correct. Correct. But I had never done one because 16 it's not within my normal scope of the work that I 17 did. So I communicated with -- to Chelsea at that 18 printer. I told her the status. I can't do this. I 19 don't have the information. I don't even know who the 20 billing attorney is. So I did communicate with her 21 that I couldn't do it, that I didn't have the 22 information, and I waited, like I said, until the very 23 end of Friday so it would be at the top of Shannon's 24 box.</p> <p>25 Q. When Chelsea Larsen saw your email putting it back on</p> | <p>1 Q. Well, but she's the one that gave you the assignment. 2 You get an email. She is upset because you have not 3 followed the directive that she gave you, and you 4 don't bother to respond to her on the 7th, 8th, or 5 9th?</p> <p>6 A. I disagree with your characterization.</p> <p>7 Q. But you didn't respond to her, did you?</p> <p>8 A. Because it wouldn't be a one-sentence response.</p> <p>9 Q. Okay. So this is your excuse. Let's first answer my 10 question, which is you did not respond to her on 11 May 7, 8, or 9; correct?</p> <p>12 A. Well, the 8th is a Wednesday, so I'm not there. And 13 by the 9th, I was already presented with the written 14 reprimand. So she gave me the one day, the 7th. And 15 it's not a one-word response. I was flabbergasted and 16 taken aback by the tone, the allegations. What I did 17 do, though -- wait. No. I didn't do that yet. It 18 wasn't until on the 9th when I got the written 19 reprimand. I needed -- I needed to digest that 20 because it was whoa. And really when you think about 21 it, that email that I sent to Shannon, if I was trying 22 to pull some sort of fast one, why would I copy 23 Chelsea? Like why would I do that? And she allegedly 24 gave me directives exactly almost verbatim of my email to Shannon. Why would I do that? So no. What</p> |
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| <p>1 Shannon's plate for the following Monday, she sent you 2 an email expressing her dissatisfaction with your 3 course of action; correct?</p> <p>4 A. Woo-hoo. Yes.</p> <p>5 Q. Okay. And that was on May 3; correct?</p> <p>6 A. Yes.</p> <p>7 Q. All right. And you didn't respond to that email on 8 May 6, 7, or 8; correct?</p> <p>9 A. Wait. May 3, 4, 5. 6 I was -- I had a scheduled 10 vacation day.</p> <p>11 Q. Okay. What about May 7? You didn't --</p> <p>12 A. 7th I got it and I went, oh, my God, and just like was 13 flabbergasted, and, again, we are a very busy, busy 14 project, so . . .</p> <p>15 Q. You're getting way beyond the scope of my question.</p> <p>16 A. Well, I went to work. I went to work. I set that 17 aside.</p> <p>18 Q. Answer my question. You got the email on May 3. You 19 said you were out on May 6 but you were in on May 7 --</p> <p>20 A. And I got it.</p> <p>21 Q. All right. And you did not respond to Chelsea's when 22 she's -- she's the person that you're reporting to for 23 the purposes of that particular project or, you know, 24 the attorney --</p> <p>25 A. Well, not this one. Not the conflict check one.</p> | <p>1 happened first was that my email to Shannon came first 2 and Chelsea made up the conversation second. And it 3 was false. We never had this alleged conversation. 4 It consisted of I don't even know who the billing 5 attorney is, I think it's Clay in switch stuff, go ask 6 him. End. And we both went back because we were 7 busy. In my production you'll see emails, things are 8 really hopping today, and it was month end, so we had 9 the numbers to run. Hugely busy. Did I have time to 10 deal with responding to this horrendous accusation? 11 No, I did not. And by the time I was back in the 12 office on Monday, the written, I think you guys call 13 them PIPs, but I never knew that word, but the writ -- 14 I was already presented with the written PIP, so . . .</p> <p>15 Q. All right. Let's move on. Let's turn to your 2019 16 performance evaluation which covers your 2018 17 performance. This is the performance --</p> <p>18 THE WITNESS: How much more time do they 19 get?</p> <p>20 MR. FARRAR: How long have we been on the 21 record for?</p> <p>22 VIDEO TECHNICIAN: Two hours 46 minutes.</p> <p>23 MR. FARRAR: Okay.</p> <p>24 BY MS. HARDY:</p> <p>25 Q. Do you need to take a break?</p> |

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|---|---|
| <p>1 A. I -- I have been -- anyway, you guys get seven hours, 2 so we're going to get done; right?</p> <p>3 Q. You know, it's not for you to tell me how long my 4 client gets for your deposition. I'll discuss that 5 with your attorney. But you're just here to answer 6 questions. You're not like giving me directives or 7 anyone in this room directives.</p> <p>8 A. My blood pressure is kind of going through the roof. 9 So let's get through this.</p> <p>10 Q. Well, if you need to take a break, I will accommodate 11 a break. If you have a medical issue that needs 12 attention --</p> <p>13 A. It's not a medical issue, but I'm -- I'm -- I'm 14 distressed. Let's -- let's go.</p> <p>15 Q. Okay.</p> <p>16 (Marked EXHIBIT 13 for identification)</p> <p>17 BY MS. HARDY:</p> <p>18 Q. Review Exhibit 13, which is your, as I indicated, your 19 2019 performance evaluation, and let me know what it 20 is that you found so horrendous about this evaluation 21 that you went to Chelsea Larsen and told her it was 22 the worst review of your life and that you were 23 considering -- or wanted to know whether you should 24 get an attorney.</p> <p>25 A. I heard her say that during her deposition, and I do</p> | <p>1 form went out, firm-wide memo, from Ayanna. That's 2 why I'm aware that we're not -- that we -- everyone 3 was informed that there was going to be a streamlined 4 process and these were only to be there if you got an 5 improvement needed or unsatisfactory check mark.</p> <p>6 Q. Well, that's not what it says. It says, "If 7 Improvement Needed or Unsatisfactory, please explain."</p> <p>8 A. Yeah. You see how they're initial caps? So there 9 were four check boxes, exceeds, meets, improvement 10 needed, unsatisfactory. So if you had an initial caps 11 improvement needed or an initial cap unsatisfactory, 12 please explain. But if you got meets expectations, 13 that's it. It was supposed to be a simplified form.</p> <p>14 Q. And where did you obtain that understanding?</p> <p>15 A. They sent out a firm-wide --</p> <p>16 Q. And that's something drafted by Ayanna Clinton?</p> <p>17 A. From my recollection or someone in HR. This is -- you 18 know, Ayanna's the new head, so . . . So right. So 19 technically none of this should even be there 20 according to policy, so . . . Let's see. Okay. This 21 one. Meets expectations. ". . . however, managing 22 her time to meet time-sensitive deadlines and being 23 able to achieve a balance of slowing down enough to 24 reduce errors has affected the quality of her work." So from my perspective, I am a racehorse that is</p> |
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| <p>1 not recall ever telling Chelsea I was going to get an 2 attorney. So that's a separate issue. I don't recall 3 ever telling her that. So . . . Anyway, what I find 4 horrendous was actually her personal review. Is that 5 here? No. Okay. So this is Sue's paraphrasing. 6 I'll see if I can tell you.</p> <p>7 Q. This is another meets expectation overall rating; 8 correct?</p> <p>9 A. Oh. So this is when we changed forms, okay, in 2019. 10 So it's at -- so if you meet expectations, none of 11 this should have even been here. "If Improvement 12 Needed or Unsatisfactory, please explain." So none of 13 this should have even been there. Ayanna wanted to 14 simplify the process, but apparently Sue wanted to use 15 this as an opportunity to, you know, further paper my 16 file or something. I have no idea.</p> <p>17 Q. This goes back to the same point we discussed earlier 18 that even a meets expectation employee can still 19 improve performance; correct?</p> <p>20 A. The categories were meets expecta -- exceeds, meets, 21 unsatisfactory, improvement needed.</p> <p>22 Q. So you think if you get a meets expectation that 23 Dykema cannot put any suggestions in the review about 24 improvement needed?</p> <p>25 A. They certainly can. But when this -- because this new</p> | <p>1 continually flogged and go fast, go fast, but don't 2 you not even make not even one typo. So it's like why 3 would you even write something like that? Slow down 4 enough, but then your -- but then your quantity is 5 going to be lacking if you slow down, but don't make 6 any typos. So to me that's -- you know, you want a 7 machine? Apparently. But I'm actually a real human 8 being. So that -- that is -- affected the quality of 9 my work. So I think that's why I printed out these 10 quality of work things. So there's Robin's quality. 11 Where's my quality? See how they're all nice and 12 lined up. But, oh, if there was a typo in there, 13 let's make sure we write it on her review.</p> <p>14 Q. When did you print off what has been marked as Exhibit 15 Number, I believe that's 6?</p> <p>16 A. Sometime after getting this for sure. As I mentioned 17 before, when there would be --</p> <p>18 Q. No. It's -- it's -- for the record, it's 7. When did 19 you print off Exhibit Number 7?</p> <p>20 A. I can't tell you exactly when. I don't recall. But 21 it was when I would get a false accusation against my 22 work, I would get something to prove to the best that 23 I could show and document that it's false.</p> <p>24 Q. Now, how is one to tell, looking at Exhibit Number 7, 25 that that's Robin's work product?</p> |

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|---|--|
| <p>1 A. I don't know. Let's see. You could go back to the 2 emails in our Outlook and see which ones Robin sent to 3 Chelsea and which ones I sent to Chelsea.</p> <p>4 Q. We can't tell from Exhibit Number 7 that this is 5 Robin's work product, can we?</p> <p>6 A. You'd have to go to the emails.</p> <p>7 Q. And do you have those emails?</p> <p>8 A. You do. I don't. No, I don't.</p> <p>9 Q. All right. And so you also can't tell from Exhibit 10 Number 7 that this was actually sent by Robin to 11 Chelsea without some further evidence of that; 12 correct?</p> <p>13 A. Well, I printed it out from the -- I don't know if -- 14 if Robin would copy me and Chelsea or if when Chelsea 15 would send them back to me saying combine them, get 16 them client ready, but that's how I knew they were 17 Robin's.</p> <p>18 Q. But there's way to tell from the document itself that 19 this was sent as a final work product by Robin to 20 Chelsea; correct?</p> <p>21 A. There is. Those emails. Those emails.</p> <p>22 Q. But you don't have those emails.</p> <p>23 A. But you do.</p> <p>24 Q. You don't know that they're still retained at the 25 firm.</p> | <p>1 it was generated, or whether it was sent to Chelsea as 2 a final work product; correct?</p> <p>3 A. I can tell from when I printed it and -- and all that 4 on the system would verify that it was her work 5 product.</p> <p>6 Q. Where is the print date?</p> <p>7 A. I mean, I'm not going to quibble about this. I mean, 8 if you're going to use this and we need to 9 substantiate it, then we'll have to -- it is what it 10 is. Okay?</p> <p>11 Q. Well, we can't tell what it is is the problem.</p> <p>12 MR. FARRAR: Objection.</p> <p>13 BY MS. HARDY:</p> <p>14 Q. All right. So let's go back to 13. Are you done with 15 your testimony about everything in Exhibit 13 that you 16 find so objectionable?</p> <p>17 A. Okay. So the second paragra --</p> <p>18 Q. Despite the meets satisfaction rating.</p> <p>19 A. Well, meets expectations. So problem with the first 20 one about, you know, faster, faster, faster but don't 21 make a darn mistake. And then the last sentence of 22 that, "Mr. Guise is concerned about the amount of time 23 Kathy is away from her desk taking breaks; this may be 24 impeding productivity re: quantity of output." So I 25 have a huge problem with that. First of all, I was</p> |
| <p style="text-align: center;">Page 272</p> <p>1 A. They should be.</p> <p>2 Q. What do you base that?</p> <p>3 A. Well, if you guys knew I was getting an attorney back 4 in -- you know, before I was even terminated, you 5 should have retained everything; right?</p> <p>6 Q. Well, how do we even know the date of this work 7 product?</p> <p>8 A. I don't know. We'd have to examine that separately; 9 right?</p> <p>10 Q. Well, how would you determine at this point in time 11 what the date is of Exhibit Number 7 when it was 12 created --</p> <p>13 A. Okay. Here I go.</p> <p>14 Q. -- created by Robin, if created by Robin, and when it 15 was --</p> <p>16 A. Oh, here we go.</p> <p>17 Q. -- conveyed by Robin?</p> <p>18 A. Oh, wait. I was on vacation in December '18, and so 19 this is what went out to the client when I was on 20 vacation. So that's --</p> <p>21 Q. Where in the document does it indicate that -- the 22 date of it?</p> <p>23 A. I can't put something there that's not there.</p> <p>24 Q. Okay. So the bottom line is that you can't tell from 25 Exhibit Number 7 that it's Robin's work product, when</p> | <p style="text-align: center;">Page 274</p> <p>1 like never away from my desk. I was chained to the 2 desk. I don't see Mr. Guise ever saying that. He 3 doesn't spy on me. And may be impeding productivity 4 and quantity of output. So like in the first sentence 5 you're telling me to slow down and then this he's 6 allegedly saying that my quantity, so, again, those 7 time records --</p> <p>8 Q. Do you think somebody falsely attributed that comment 9 to Mr. Guise?</p> <p>10 A. I absolutely do.</p> <p>11 Q. Okay. You heard him testify, didn't you, in his 12 deposition?</p> <p>13 A. I did, but the audio kept going in and out and I 14 missed a lot of it. Did you guys discuss that?</p> <p>15 Q. Did you -- did you hear his criticisms of you in his 16 deposition testimony?</p> <p>17 A. That I'm excitable.</p> <p>18 Q. Resistant, creates friction on the team.</p> <p>19 A. I think Chelsea created the friction on the team with 20 her bias.</p> <p>21 Q. But you -- Mr. Guise testified under oath that he 22 found you resistant to directions and was very 23 frustrated by your refusal to cooperate with the 24 directions that you were given and that you created 25 friction on the team.</p> |

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|--|--|
| <p>1 A. Mr. Guise and I enjoyed a very good relationship 2 together. I believe that he was totally unaware for 3 at least a huge time of the way that Chelsea was 4 treating me, because I didn't cry to him about things. 5 I endured a lot of Chelsea's discrimination before I 6 alerted Mr. Guise of the fact. And so when he says I 7 was a resistant part of the team, I don't think he has 8 all the facts as to exactly who was making this team 9 not work. I was enthusiastic about it. I -- I was 10 ready to go. So . . . And he's also an equity 11 partner of the firm I'm suing, so, you know, you gotta 12 consider that.</p> <p>13 Q. So you think he was being untruthful?</p> <p>14 A. I don't think he's untruthful. I have respect for 15 Clay very much.</p> <p>16 Q. All right. So any other issues that --</p> <p>17 A. Okay.</p> <p>18 Q. -- you want to identify with Exhibit 13?</p> <p>19 A. "There have been a couple of miscommunication issues 20 with Ms. Larsen working through lunch, using 21 inappropriate terminology like 'cutting corners,' and 22 not understanding that overtime is not an option on 23 these cases." Well, from the reprimands going 24 forward, those were corrected. And the cutting 25 corners was a huge issue all in its own, which we've</p> | <p>1 A. I think the fact that Sue -- 2 Q. -- severe, et cetera?</p> <p>3 A. I think the fact that Sue made me, you know, support 4 my peers as -- as a secretary was meant to demean me. 5 She never had me do attorneys. She only had me do my 6 peers. I think that was mentioned to me --</p> <p>7 Q. But you were supporting Sue Medley, who is a 8 paralegal, correct, in the fall of '17?</p> <p>9 A. I was helping her chart.</p> <p>10 Q. Isn't that assisting another para -- assisting a 11 paralegal?</p> <p>12 A. But that's different. That's teamwork. That's 13 helping. This was -- I had to, you know, go get a 14 binder and folders from the supply room, which could 15 be taking me away from my desk; right? Or for another 16 one, a paralegal was in another office and "Go to my 17 office and get this out of the -- from interoffice 18 mail." It wasn't there. "Go to the mail room. See 19 if it's come in yet." It wasn't there. You know, "Go 20 back to my office. See if they delivered it."</p> <p>21 When -- so I'm doing this stuff when I have billable 22 work to do, and then my, you know, my quantity might 23 be lacking.</p> <p>24 Q. Just stay with my question because this is taking an 25 exceedingly long period of time because you just don't</p> |
| <p style="text-align: center;">Page 276</p> <p>1 been over now. It was Chelsea's directive to cut 2 corners. She just didn't like the semantics of using 3 that phrase. So yeah, I think that's negative. 4 Again, though, I meet expectations, so none of that 5 should even been there.</p> <p>6 The next one, again, meets expectations, so 7 none of this should be there.</p> <p>8 I'm still learning/understanding how my 9 role fits into the larger picture of these cases. 10 Well, if I'm getting it wrong, isn't it one of the 11 supervisors' job to tell me? Or am I supposed to just 12 guess so that whatever I guess is going to be the 13 wrong thing so that I can be reprimanded yet again? 14 So the whole -- like what is the basis of that 15 sentence? "Learning/understanding how her role fits 16 into the larger picture of these cases." What does 17 that mean?</p> <p>18 Q. You're not asking me questions, are you?</p> <p>19 A. I don't know what that means.</p> <p>20 Q. Because that's not your role here.</p> <p>21 A. Okay. I don't know what that means.</p> <p>22 Q. All right. So is there anything further you need to 23 point out in 13 so -- so that it's understood why you 24 thought this was the worst review of your life and 25 horrendous and --</p> | <p style="text-align: center;">Page 278</p> <p>1 respond to the questions.</p> <p>2 A. Can you feel my -- my pain? I hope you're starting to 3 feel the pain. Because it was painful.</p> <p>4 Q. You don't think that your reaction to the 2019 review 5 was an overreaction?</p> <p>6 A. We need to see Chelsea's as well.</p> <p>7 Q. See Chelsea's what?</p> <p>8 A. Her review. Because this is Sue paraphrasing --</p> <p>9 Q. The timekeeper review for the administrative 10 assistants?</p> <p>11 A. Let's see. So, again, "Work on improving accuracy and 12 timeliness with repurchase calculations for 13 Ms. Larsen." So that's why I had to print out all the 14 calculations, because in Chelsea's review she said I 15 didn't understand the urgency of doing the 16 calculations. So I had to print out my stuff where -- 17 okay. Because remember I was only allowed to do what 18 Chelsea sent to me to do, so she would send me 19 financial information that she got, for example, in 20 January. She'd send it to me in March and say do the 21 repurchase. I'd turn it around typically within 22 24 hours. Lot of times less. So, you know, she had 23 this from January, giving it to me in March.</p> <p>24 Q. All right. You're still -- you're just rambling --</p> <p>25 A. Well, I'm not rambling because it says right here</p> |

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|---|--|
| <p>1 "Work on improving accuracy and timeliness with 2 repurchase figures calculations." Okay.</p> <p>3 Q. Let's just stay with the wording of the review. Do 4 you really think that this is an inappropriate review?</p> <p>5 A. I do.</p> <p>6 Q. And you don't think that your description of it as a 7 harsh reprimand is an overstatement, an overreaction?</p> <p>8 A. I do -- I do not. I do not.</p> <p>9 Q. All right. All right. So unless there's something in 10 particular that you need to point out, let's move on.</p> <p>11 A. Oh. The Kronos thing, which is when I ended up going 12 back and realizing that Sue let it go through, so 13 that's on there as well.</p> <p>14 Q. All right. So after you were put on probation on 15 May 9th, 2019, you had a conversation with Chelsea 16 Larsen dated June 14, over a month later, 2019, in 17 which you told her that you were on probation because 18 of a falsehood that she told Sue Choma; correct? You 19 called it a fake conversation.</p> <p>20 A. I don't think it was during that meeting, but it was 21 when she approached my desk right after it happened, 22 and I was incredibly angry that I was being falsely 23 accused so harshly and put on probation for something 24 that never happened. So --</p> <p>25 Q. So your --</p> | <p>1 think I am entitled to do that. And I had asked at 2 the meeting why don't we get Chelsea up here and 3 straighten out this conversation right now, and Sue 4 said, "We're not going to get Chelsea involved."</p> <p>5 I'm like, "She's already involved. She's 6 accusing." So I said, "Can I send her an email?" 7 And Sue said that would be perfectly fine. 8 So this was soon after Sue denied that she told me I 9 could send an email.</p> <p>10 Q. You could have sent an email on your own --</p> <p>11 A. I would have got --</p> <p>12 Q. -- on May 7, 8, or 9 --</p> <p>13 A. That would --</p> <p>14 Q. -- before the probation meeting; correct?</p> <p>15 A. That would have -- actually no.</p> <p>16 Q. Why not?</p> <p>17 A. 7 I got it. Shock. 8 is a Wednesday. I am not in 18 the --</p> <p>19 Q. No. It's sent on May 3. You're in on the 7th. You 20 don't do anything on the 7th, you don't do anything to 21 respond on the 8th, --</p> <p>22 A. I'm home.</p> <p>23 Q. -- and you don't do anything to respond before the 24 probation meeting with Sue Choma.</p> <p>25 A. Right. I -- I was -- right. I was in on the 7th.</p> |
| <p>Page 280</p> <p>1 A. -- that was earlier. The reason we had the June is 2 because I said that to her.</p> <p>3 Q. No. Let's try to refresh your memory here. You had a 4 June 14 conversation with Chelsea at your work 5 station. You then had a June 18 meeting with Sue 6 Choma and Chelsea Larsen about the June 14 7 conversation from your work station.</p> <p>8 A. Oh. For timing I'll defer that if that's --</p> <p>9 Q. All right. So let's go back to the June 14 10 conversation at your work station when you told 11 Chelsea that you were on probation because of a fake 12 conversation that she made up. All right. So -- and 13 that's also the same conversation where you told her 14 that Robin had typos in her work product that you had 15 to correct.</p> <p>16 A. I actually don't recall if they were the same. It 17 could have been. I don't recall if they were the 18 same. It was not a pleasant period.</p> <p>19 Q. All right. Looking back on it, do you think it was 20 inappropriate of you to accuse the attorney of lying 21 in a public workspace with other employees around?</p> <p>22 A. More appropriate than her lying to Sue Choma about a 23 conversation that never happened that had serious 24 repercussions for me and got me put on probation, so 25 defending myself again from a false accusation, I</p> | <p>Page 282</p> <p>1 Couldn't respond. Shock. I'm not in the office on 2 Wednesdays. And by the Thursday, I don't remember 3 what time that meeting was with Sue. So I -- but, no, 4 there was no time to respond.</p> <p>5 Q. All right. So let's go back to your manner of talking 6 to -- the way you talked to Chelsea on June 14th. On 7 reflection, do you agree that it was unprofessional to 8 accuse her of lying in a fake conversation sitting at 9 your work station in the firm?</p> <p>10 A. But she did lie in a fake conversation, and if I was 11 prevented from sending her an email --</p> <p>12 Q. What about going into her office and closing the door 13 and talking to her? What about asking Sue Choma can 14 we meet with Chelsea?</p> <p>15 A. I did do that. Okay. I did ask Sue if we could meet 16 with Chelsea. So --</p> <p>17 Q. What about sending her an email?</p> <p>18 A. What -- what -- what -- what is -- I -- I couldn't 19 send her an email.</p> <p>20 Q. Well, you could have sent an email prior to the 21 probation meeting.</p> <p>22 A. On the one day, the 7th, that I actually got it and 23 was shocked and we were busy, I could not craft a 24 coherent response with all that going down, with all 25 this work going on to her that very day. That wasn't</p> |

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|---|---|
| <p>1 gonna happen.</p> <p>2 Q. All right. So what is the falsehood that you claim</p> <p>3 Chelsea told?</p> <p>4 A. The whole thing about having any directive. There was</p> <p>5 no directive. We never -- like she claims that she</p> <p>6 specifically told me not to save it for Shannon.</p> <p>7 Whoa. Where did that come from other than --</p> <p>8 Q. She told you to do it on April 29.</p> <p>9 A. But she didn't give me the necessary information to do</p> <p>10 it.</p> <p>11 Q. You knew it was a switch case; right?</p> <p>12 A. Yes.</p> <p>13 Q. You'd worked for, as you said, ten years with Clay</p> <p>14 Guise on switch cases?</p> <p>15 A. Correct. Correct.</p> <p>16 Q. You could have just gone of your own initiative to</p> <p>17 Clay?</p> <p>18 A. No. No. It's four pages of con -- I don't know. Do</p> <p>19 you guys have them in your firm? You probably do.</p> <p>20 It's four pages. And so not only are there general</p> <p>21 conflicts, is this person already a client, there's</p> <p>22 also what's the billing code? What's -- you know, are</p> <p>23 they E-billed or are they billed monthly? Are they --</p> <p>24 you know, are they against a retainer? All those</p> <p>25 kinds of billing type questions. I don't know because</p> | <p>1 specifically told Kathy not to send it to Shannon. I</p> <p>2 specifically told her that if she had questions go ask</p> <p>3 Attorney Clay Guise. That's fabricated. All of those</p> <p>4 extra words, which really only just tracked my email</p> <p>5 to Shannon, which came first, she made up an alleged</p> <p>6 directive that tracked my email to Shannon saying she</p> <p>7 specifically told me not to do these things or to do</p> <p>8 these things where they couldn't possibly be true,</p> <p>9 and, again, if -- why would I copy her on it, then?</p> <p>10 Like that makes no sense.</p> <p>11 Q. All right. Let's go to your June '18 meeting with</p> <p>12 Ms. Choma and Ms. Larsen in which they wanted to</p> <p>13 discuss your behavior on June 14. Throughout that</p> <p>14 meeting you accused Chelsea of being a liar; correct?</p> <p>15 A. She is.</p> <p>16 Q. Okay. And you didn't see any problem with that in</p> <p>17 terms of how you were handling the issue?</p> <p>18 A. I don't think I called her a liar, you know, a li --</p> <p>19 or I think I said things like "You know this didn't</p> <p>20 happen. You fabricated these -- you know, this</p> <p>21 alleged conversation." And so also we started that</p> <p>22 out because remember I was -- couldn't really</p> <p>23 communicate with her about the fact of this, so I</p> <p>24 said, "You know, where were we when -- when we had</p> <p>25 this alleged conversation?"</p> |
| Page 284 | Page 286 |
| <p>1 I don't do conflicts. Clay likely isn't going to know</p> <p>2 the billing codes and stuff anyway.</p> <p>3 Q. But you didn't ask him, did you?</p> <p>4 A. That wasn't the way that I interpreted the exchange at</p> <p>5 the printer. I interpreted the exchange at the</p> <p>6 printer that she thought it was Clay that was the</p> <p>7 billing attorney, go ask him.</p> <p>8 Q. All right. So let's -- let's assume there was a</p> <p>9 misinterpretation at the printer on May 2 between you</p> <p>10 and Chelsea. Do you think that warrants you calling</p> <p>11 her a liar and making up false stories and being</p> <p>12 responsible for you being on probation?</p> <p>13 MR. FARRAR: Objection to form.</p> <p>14 A. Who is making the false story? Chelsea made the false</p> <p>15 story against me. I am defending myself.</p> <p>16 BY MS. HARDY:</p> <p>17 Q. But you have described it as there could have been a</p> <p>18 misinterpretation of what she was saying. So she's</p> <p>19 entitled to believe as well, right, that she clearly</p> <p>20 communicated to you that you should go to Clay Guise?</p> <p>21 A. The reason that she -- okay. If by her -- by her</p> <p>22 saying go ahead, I think it's Clay on the switch</p> <p>23 stuff, go ask him, if by chance she meant all four</p> <p>24 pages of information, that is not what she wrote down</p> <p>25 in her disciplinary memo. She wrote down that I</p> | <p>1 And she's like, "Right here in my office."</p> <p>2 So I was like, "Well, when was that?"</p> <p>3 And she's like, "Monday."</p> <p>4 And I was like, "Well, it couldn't have</p> <p>5 been Monday." And I reminded her that we, you know,</p> <p>6 spent a good deal of time with Clay, we came back, we</p> <p>7 finalized stuff.</p> <p>8 And then she said, "Well, Tuesday, then."</p> <p>9 And so then I said, "Well, it couldn't have</p> <p>10 been Tuesday because I sent you this email in the</p> <p>11 morning, you know, when we got the new cases that I</p> <p>12 couldn't, you know, I couldn't do the conflicts and</p> <p>13 stuff. Do you want me to get going on the cases?"</p> <p>14 Which she never answered, but she always wanted me to</p> <p>15 get going on the --</p> <p>16 Q. But --</p> <p>17 A. So, anyway --</p> <p>18 Q. Stop. Stop. Stop.</p> <p>19 A. So then --</p> <p>20 Q. It was Monday that she told you to do the conflict</p> <p>21 check because there's the email that you've got,</p> <p>22 April 29.</p> <p>23 A. Oh. But the alleged conversation.</p> <p>24 Q. All right. So let's not get into that --</p> <p>25 A. Okay. Well, but --</p> |

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|---|--|
| <p>1 Q. You knew she'd given you the assignment on Monday the 2 29th.</p> <p>3 A. And neither one of us knew that I didn't have the 4 information.</p> <p>5 Q. All right. So in the meeting on June 18 you refer to 6 Sue Choma as honey in a sarcastic tone, you refer to 7 Chelsea as Choma; correct?</p> <p>8 A. I wouldn't say a sarcastic tone. And you'd have to 9 have the, you know, the context of how it came up. I 10 can tell you verbatim if you want to hear another 11 story, but you seem to be getting irritated --</p> <p>12 Q. I don't want to hear a long story. Can you -- I 13 mean, --</p> <p>14 A. So after --</p> <p>15 Q. -- can you get to the point?</p> <p>16 A. After we whittled down that the -- this alleged 17 conversation couldn't have been Monday, couldn't have 18 been Tuesday, she said Wednesday. I said, "Chelsea, 19 I'm out on Wednesday."</p> <p>20 And she said, "Thursday, then."</p> <p>21 And I said, "Well, Thursday is when I 22 realized I couldn't do it. So it wasn't until 23 Thursday that I even realized I couldn't do it. This 24 whole time I planned to do them with -- with all 25 the -- you know, lemon law ones.</p> | <p>1 Q. How would you describe your demeanor in that meeting?</p> <p>2 A. Defensive.</p> <p>3 Q. Like -- like you're --</p> <p>4 A. Yeah. I'm very defensive right now, yes.</p> <p>5 Q. Yeah. Same manner and demeanor as you've been 6 displaying in your testimony here?</p> <p>7 A. Probably. Probably. Yes.</p> <p>8 Q. All right.</p> <p>9 A. I feel very accused and very -- yeah.</p> <p>10 Q. Do you understand that that is not the way to engage 11 if you want to have a productive conversation?</p> <p>12 MR. FARRAR: Objection.</p> <p>13 A. People shouldn't make false accusations against 14 another person. That's not a way to behave.</p> <p>15 BY MS. HARDY:</p> <p>16 Q. All right. So let's -- let's turn to the issue of 17 retaliation. Who do you claim retaliated against you 18 and for what?</p> <p>19 A. I -- well, Chelsea's age bias was evident for a long 20 time, but it seemed that Sue rather than -- I would 21 say as a office manager she would have some sort of 22 duty to prevent discrimination in the workplace, where 23 she appeared to more facilitate it and push me out the 24 door and -- and so yes. I think Sue has --</p> <p>25 Q. So Sue is the person you're accusing of retaliation?</p> |
| <p style="text-align: center;">Page 288</p> <p>1 And so she -- she said, "Well, it must have 2 been because I distinctly remember talking to Clay 3 about it."</p> <p>4 And I said, "Well, you might have talked to 5 Clay, but you didn't talk to me, honey." And so that 6 is verbatim the way the honey came out.</p> <p>7 Q. Do you think that was appropriate?</p> <p>8 A. I -- I -- it's the way I talk. So . . .</p> <p>9 Q. All right. At that point in time Ms. Choma advised 10 you that she thought you were acting in a 11 disrespectful and inconsiderate manner and asked you 12 to cease; correct?</p> <p>13 A. Those are Sue's favorite terms, yes.</p> <p>14 Q. All right. And you continued throughout the remainder 15 of the meeting to lob accusations about Chelsea being 16 untruthful and just arguing about everything; correct?</p> <p>17 A. No.</p> <p>18 Q. What's incorrect about that?</p> <p>19 A. I am not lobbing. I'm not being difficult. This is 20 the first time we ever had both parties involved in 21 the dispute being able to face one another and 22 actually work out what the heck happened here. So 23 I -- I disagree with all of what you said. It was 24 a -- we were discussing and trying to get to the 25 bottom of what's going on here.</p> | <p style="text-align: center;">Page 290</p> <p>1 A. Firm generally. They let it happen.</p> <p>2 Q. Anyone in particular other than Sue?</p> <p>3 A. No.</p> <p>4 Q. What do you claim Sue was retaliating against you 5 about? What did you do that you believe led to her 6 retaliation?</p> <p>7 A. That she, you know, perhaps knew that I was concerned 8 that Chelsea's bias was leading Chelsea to lie about 9 my performance, and so I -- I raised that I think age 10 might be an issue and the wheelchair sitting there and 11 Chelsea wouldn't move it. So I think Sue recognized 12 that maybe I might be making an age claim. I don't 13 know.</p> <p>14 Q. Sue -- Sue had no idea, as we covered in your last 15 deposition, that you were of the view that Chelsea was 16 discriminating against you on the basis of your age 17 until after you had been placed on probation on May 9, 18 2019?</p> <p>19 MR. FARRAR: Objection.</p> <p>20 A. I -- I don't recall saying that.</p> <p>21 BY MS. HARDY:</p> <p>22 Q. Well, she didn't have any knowledge of your age claim 23 until after May 9, 2019; correct?</p> <p>24 MR. FARRAR: Objection.</p> <p>25 A. And I can't comment on Sue's knowledge of -- I don't</p> |

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|---|--|
| <p>1 know.</p> <p>2 BY MS. HARDY:</p> <p>3 Q. So you didn't tell Sue that you thought Chelsea Larsen</p> <p>4 was discriminating against you on the basis of your</p> <p>5 age until after May 9, 2019?</p> <p>6 A. I only put a point on it after May 9th. I had said</p> <p>7 about the wheelchair I want it stored somewhere else.</p> <p>8 Q. That's what you told Chelsea?</p> <p>9 A. And Sue. Sue called to borrow it. She thought it was</p> <p>10 mine, like everybody else, and I said it's not mine.</p> <p>11 Q. When do you claim Sue called to borrow it?</p> <p>12 A. I really don't recall, but quite -- quite a bit before</p> <p>13 the rapid fire reprimands, and so I can't recall</p> <p>14 exactly.</p> <p>15 Q. Okay. So how is -- just because Sue wants to borrow</p> <p>16 the wheelchair, what does that have to do with her</p> <p>17 being aware that you think that Chelsea Larsen harbors</p> <p>18 some age bias towards you?</p> <p>19 A. Because I -- I said the wheelchair's not mine, it</p> <p>20 belonged to Chelsea Larsen, I don't like it there,</p> <p>21 people think there's something wrong with me, please</p> <p>22 store it somewhere else, so I said that -- that might</p> <p>23 have not been verbatim to Sue, but it was along the</p> <p>24 lines that people think it's mine, they think there's</p> <p>25 something wrong with me, please store it somewhere</p> | <p>1 don't identify any acts of retaliation carried out by</p> <p>2 Sue Choma, do you?</p> <p>3 A. I'm not an attorney and I don't work in employment</p> <p>4 law, so I -- I -- I didn't, I guess.</p> <p>5 Q. And in your lengthy submissions to the EEOC you don't</p> <p>6 identify what you did that provoked retaliation, do</p> <p>7 you?</p> <p>8 A. What do you mean what I did? You mean my age?</p> <p>9 Q. What you did or -- what you did or said. I mean,</p> <p>10 retaliation has to be in response to something. It's</p> <p>11 called protected activity. And you don't identify</p> <p>12 what you did or said that provoked retaliation.</p> <p>13 MR. FARRAR: Objection.</p> <p>14 A. And I would have to read my EEOC submission against</p> <p>15 because I can't remember every single thing I said in</p> <p>16 there, so I'm going to have to read that again.</p> <p>17 BY MS. HARDY:</p> <p>18 Q. Well, you can't -- sitting here right now, you can't</p> <p>19 identify what it is you said or did that caused Sue</p> <p>20 Choma to retaliate against you, can you?</p> <p>21 A. Well, I just testified a moment ago that I did tell</p> <p>22 her about the wheelchair, so did that -- did that</p> <p>23 spark it for her? I don't know. Ultimately I feel I</p> <p>24 was illegally fired, so . . .</p> <p>25 Q. And you can't identify when you told her about the</p> |
| <p style="text-align: center;">Page 292</p> <p>1 else. So Sue knew about this.</p> <p>2 Q. When do you claim retaliation started by Sue Choma?</p> <p>3 A. I would say with all these rapid fires and -- and</p> <p>4 constant threats of termination. I -- I would say</p> <p>5 that's -- and then ultimately firing me.</p> <p>6 Q. But when did it start and what was it reacting to?</p> <p>7 A. I think -- well, I think Chelsea's age bias and</p> <p>8 telling falsehoods against my performance began with</p> <p>9 the 2018 review.</p> <p>10 Q. No. I'm focused on Sue Choma.</p> <p>11 A. I don't know when Sue Choma's brain got around. I</p> <p>12 don't know.</p> <p>13 Q. Well, what are you claiming was the beginning of her</p> <p>14 retaliatory acts?</p> <p>15 A. I would have to -- I would -- I don't know. I don't</p> <p>16 know.</p> <p>17 Q. All right.</p> <p>18 A. I . . . I think I answered that a bunch times.</p> <p>19 Q. All right. So in your submission to the EEOC, you</p> <p>20 don't ever accuse Sue Choma of having age bias, do</p> <p>21 you?</p> <p>22 A. It was Chelsea Larsen that had the age bias.</p> <p>23 Q. Yeah. Not Sue Choma; correct?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And in your submission to the EEOC you</p> | <p style="text-align: center;">Page 294</p> <p>1 wheelchair; correct?</p> <p>2 A. No. Not at this time.</p> <p>3 Q. All right.</p> <p>4 MS. HARDY: We have to go off the record so</p> <p>5 that the tape can be changed and . . .</p> <p>6 VIDEO TECHNICIAN: Okay. This marks the</p> <p>7 end of Media Unit Number 2. We are off record at</p> <p>8 4:46.</p> <p>9 (Recess taken at 4:46 p.m.)</p> <p>10 (Back on the record at 4:47 p.m.)</p> <p>11 VIDEO TECHNICIAN: This marks the beginning</p> <p>12 of Media Unit Number 3 in the deposition of Kathleen</p> <p>13 Liebau. The time -- Volume 2. The time is 4:47 p.m.</p> <p>14 BY MS. HARDY:</p> <p>15 Q. You knew Shannon Stewart for a number of years and</p> <p>16 worked with her; correct?</p> <p>17 A. Yes.</p> <p>18 Q. She was Chelsea Larsen's support person?</p> <p>19 A. Administrative assistant.</p> <p>20 Q. Administrative assistant. Correct?</p> <p>21 A. Correct.</p> <p>22 Q. All right. Did you observe Chelsea and Shannon</p> <p>23 interacting throughout the course of the workday?</p> <p>24 A. Sometimes.</p> <p>25 Q. Had you ever heard Chelsea say anything critical of</p> |

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| Page 295 | Page 297 |
|---|---|
| <p>1 Shannon?</p> <p>2 A. No.</p> <p>3 Q. Would you be surprised that Chelsea had a very high</p> <p>4 opinion of Shannon Stewart as an employee at Dykema?</p> <p>5 A. I can't attest to anybody else's feelings about</p> <p>6 anybody else, so . . .</p> <p>7 Q. Would it surprise you?</p> <p>8 A. No.</p> <p>9 Q. Okay. You didn't see anything inconsistent with</p> <p>10 Chelsea Larsen holding the point of view that Shannon</p> <p>11 was an excellent employee?</p> <p>12 A. I didn't find anything contrary, no.</p> <p>13 Q. You don't think that Chelsea was disrespectful to</p> <p>14 Shannon?</p> <p>15 A. I don't know.</p> <p>16 Q. But you never observed anything to suggest that;</p> <p>17 correct?</p> <p>18 A. Not that I recall.</p> <p>19 Q. And you never observed anything that would suggest</p> <p>20 that she was critical of Shannon and of her work</p> <p>21 product?</p> <p>22 A. Again, I don't know.</p> <p>23 Q. Okay. And Shannon's older than you; correct?</p> <p>24 A. I believe so.</p> <p>25 Q. Okay. So if you think she has an inherent bias</p> | <p>1 of how you interacted with her and the nature of your</p> <p>2 email exchange with her, could have jeopardized the</p> <p>3 client relationship for Dykema; correct?</p> <p>4 A. I don't remember those words, but there was a</p> <p>5 reprimand and it's written.</p> <p>6 Q. Okay. And you apologized to Brittany; correct?</p> <p>7 A. I did.</p> <p>8 Q. Because it was indeed very inappropriate what you said</p> <p>9 to her in an email; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So 2018, '19 isn't the first time that you had</p> <p>12 a problem at the firm with inappropriate</p> <p>13 communications and in -- in that instance it was even</p> <p>14 with a client; correct?</p> <p>15 A. Who used to -- who I used to work with, so, again,</p> <p>16 it's not like I was saying it to someone I did not</p> <p>17 directly work with. We had a candid relationship, and</p> <p>18 I did apologize, and Brittany agreed that we would,</p> <p>19 you know, continue -- you know, turn a new leaf and go</p> <p>20 on, and so that should have been the end of it, so</p> <p>21 2015, '16, '17, '18, so three years, I've been there</p> <p>22 almost 35, so if I had two incidences in 35 years,</p> <p>23 sometimes that happens.</p> <p>24 Q. Well, you had a -- you had friction with Brittany when</p> <p>25 she still worked at the firm?</p> |
| <p style="text-align: center;">Page 296</p> <p>1 towards employees because of their age, why would she</p> <p>2 have a positive view of Shannon and a negative view of</p> <p>3 you if age is the determining issue?</p> <p>4 A. I don't know.</p> <p>5 MR. FARRAR: Objection.</p> <p>6 BY MS. HARDY:</p> <p>7 Q. You recall an incident back in July of 2015 with a</p> <p>8 woman named Brittany, we don't need a last name, but</p> <p>9 you know who I'm talking about; correct?</p> <p>10 A. Yep.</p> <p>11 Q. She's an attorney who used to be at Dykema; correct?</p> <p>12 A. Yep.</p> <p>13 Q. And she went to work for a very significant client of</p> <p>14 Dykema Gossett; correct?</p> <p>15 A. Correct.</p> <p>16 Q. All right. And you had an email exchange with her</p> <p>17 which was both unprofessional and very critical of</p> <p>18 her; correct?</p> <p>19 A. Not critical of her. Brittany and I had a very good</p> <p>20 and candid relationship when she was with the firm.</p> <p>21 I -- when she became a client, I will admit that that</p> <p>22 candor should have ceased, and she definitely took</p> <p>23 offense to it.</p> <p>24 Q. Okay. And there was concern expressed that your</p> <p>25 conduct, your inappropriate conduct, that is, in terms</p> | <p style="text-align: center;">Page 298</p> <p>1 A. She was -- she is a difficult individual.</p> <p>2 Q. But despite knowing her style, you continued to push</p> <p>3 and engage in -- in -- in communications with her that</p> <p>4 she took objection to?</p> <p>5 A. One. One communication.</p> <p>6 Q. When she was still at the firm, you had friction with</p> <p>7 her because of the way you interacted with her;</p> <p>8 correct?</p> <p>9 A. I'm not going to agree to that, no. I mean,</p> <p>10 Chelsea --</p> <p>11 Q. You wouldn't -- you wouldn't be surprised if that was</p> <p>12 her point of view, would you?</p> <p>13 A. It depends on when. She also in one of my reviews</p> <p>14 called me the ultimate professional, loved my</p> <p>15 communications. So, you know, events can happen and</p> <p>16 some people move on and some hold a grudge.</p> <p>17 Q. All right. I'm going to show the witness a document</p> <p>18 that I'm not marking as an exhibit, but I just want</p> <p>19 you to identify it for the record. It came from the</p> <p>20 EEOC submissions, and this particular document is</p> <p>21 Bates stamped 224 through 229, and it says to human</p> <p>22 resources from Kathy Liebau, response to Sue Choma's</p> <p>23 May 9, 2019, memorandum, and it's May 2019. I want</p> <p>24 you to identify this is the rebuttal to the</p> <p>25 probationary memo that you drafted but never submitted</p> |

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|---|---|
| <p>1 to the firm?</p> <p>2 A. It looks like it. It's quite lengthy. So right.</p> <p>3 This is -- this is a draft that . . . Yeah.</p> <p>4 Q. So that's -- that's your draft rebuttal that you never submitted to the firm; correct?</p> <p>5 A. Correct. At least I think it is. It's quite lengthy, but . . .</p> <p>8 Q. You went to work for a period of time with The Orlan Company?</p> <p>10 A. Orlans.</p> <p>11 Q. Orlans? Right. And that's a law firm or . . .?</p> <p>12 A. Yes. They do like financial services, so foreclosures and evictions, so not everyone that works there is --</p> <p>14 is legal. Like they've got a lot of processors. But</p> <p>15 I was in the legal department.</p> <p>16 Q. Okay. When -- in the process of seeking employment, did you disclose why you'd left Dykema?</p> <p>18 A. It's always asked. I think at that point -- because I tried everything. I tried the truth. Tried saying early retirement. I -- I can't remember --</p> <p>21 Q. What are you referring to? I'm not -- I'm not tracking it.</p> <p>23 A. Well, it's just very difficult to find a new employment when you guys are misreporting the work I did and -- I can't remember what I specifically said.</p> | <p>1 refused to go to the Detroit office, did you?</p> <p>2 A. No.</p> <p>3 Q. But that's what you told Orlans; correct?</p> <p>4 A. I don't know.</p> <p>5 (Marked EXHIBIT 15 for identification)</p> <p>6 BY MS. HARDY:</p> <p>7 Q. All right. So let me show you Deposition Exhibit --</p> <p>8 MR. PORTER: 15.</p> <p>9 BY MS. HARDY:</p> <p>10 Q. This just was received today in response to a subpoena. And it is an Application for Employment from The Orlans Company -- Companies. And on the second page --</p> <p>14 A. Okay. Like I said, I --</p> <p>15 Q. -- at the bottom --</p> <p>16 A. I see it.</p> <p>17 Q. -- it has "Employment Dates" and it has "Reason For Leaving" and it says "Involuntary separation," and then it reads, "I declined an assignment in downtown Detroit due to the 1 hour 50 minute commute from my home - which would be even longer in the winter; this apparently angered the office manager." That's what you represented in your Application for Employment with Orlans as your reason for departure.</p> <p>25 A. You gotta say something.</p> |
| <p>1 Q. So when you say you tried the truth, you mean when you were filling out applications with various employers?</p> <p>3 A. Very soon I got a call from a headhunter and they're like, "Well, why did you leave Dykema?"</p> <p>5 And I'm like, "Well, I think it was age discrimination."</p> <p>7 And he dropped me like a hot potato. So</p> <p>8 I'm like, okay, well, I can't try that anymore. May</p> <p>9 have to try something else.</p> <p>10 Q. So what -- what explanations did you offer to prospective employers?</p> <p>12 A. Early retirement.</p> <p>13 Q. So you lied?</p> <p>14 A. Well, I was forced into a sense of early retirement, wasn't I? What -- I'm at a loss to know -- I'm trying to move on, but like it's very difficult to move on from this blow of trashing my character and reputation and my livelihood.</p> <p>19 Q. Well, what did -- what did you tell Orlans as to why you'd left?</p> <p>21 A. I honestly don't remember. I did say termination, and I think they didn't really push it because somebody at that firm personally knew someone at Dykema and they had already talked to them, so I got the job.</p> <p>25 Q. All right. You didn't leave Dykema because you</p> | <p>1 Q. So you just made that up?</p> <p>2 MR. FARRAR: Objection.</p> <p>3 A. You've gotta say something.</p> <p>4 BY MS. HARDY:</p> <p>5 Q. It's not true, is it?</p> <p>6 A. Age discrimination is true and that didn't work well, so . . .</p> <p>8 Q. What you disclosed is not true, is it?</p> <p>9 A. Well, actually it's true that I didn't want to do the hour and 50-minute commute, so . . .</p> <p>11 Q. That had nothing to do with your termination, did it?</p> <p>12 MR. FARRAR: Objection.</p> <p>13 A. Yeah. I don't know what you want me to say.</p> <p>14 BY MS. HARDY:</p> <p>15 Q. And -- well, I want you to answer the question. It had nothing to do with the reasons for your termination, did it?</p> <p>18 MR. FARRAR: Objection.</p> <p>19 A. I don't know. I don't know.</p> <p>20 BY MS. HARDY:</p> <p>21 Q. In fact, that occurred, the -- your refusal to work in Detroit, two years prior to your termination; correct?</p> <p>23 A. Correct.</p> <p>24 Q. And you have no basis to believe that there's any connection between your refusing to go to Detroit and</p> |
| | |

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|---|--|
| <p>1 your termination on August 23, 2019; correct?</p> <p>2 A. I have no idea.</p> <p>3 Q. No one ever suggested that to you, did they? Answer 4 the question.</p> <p>5 A. Well --</p> <p>6 Q. Just --</p> <p>7 A. -- Sue wrote it in my -- my thing.</p> <p>8 Q. No one suggested to you there's any connection between 9 what happened in 2017 with respect to your refusal to 10 go to Detroit and your termination two years later? 11 Just answer --</p> <p>12 A. I'm sticking with my answer that I have to tell them 13 something, and age discrimination didn't work.</p> <p>14 Q. Just answer my question. We already know that you 15 lied and why you lied, but that -- no one ever 16 suggested to you that not going to Detroit was 17 connected in any fashion to the decision to terminate 18 you; correct?</p> <p>19 MR. FARRAR: Objection.</p> <p>20 A. No one ever communicated that to me. Correct.</p> <p>21 BY MS. HARDY:</p> <p>22 Q. Okay. Thank you.</p> <p>23 MS. HARDY: Let's take a break for a 24 moment.</p> <p>25 VIDEO TECHNICIAN: Going off the record.</p> | <p>1 Q. But you didn't put in an application for a legal 2 assistant job, did you?</p> <p>3 A. No.</p> <p>4 Q. All right. So you make in the EEOC submission the 5 allegation that employees were pressured to retire at 6 Dykema Gossett. What were you referring to?</p> <p>7 A. We were hearing that a lot of long-term employees were 8 being pressured to retire.</p> <p>9 Q. That's just rumor?</p> <p>10 A. Pretty much.</p> <p>11 Q. Do you have anything other than rumor?</p> <p>12 A. Not really.</p> <p>13 Q. All right. You also make the allegation in your EEOC 14 submission that new firm management did not value long 15 service employees. What were you referring to?</p> <p>16 A. It appeared to refer to the rumors that so many 17 long-term employees had been pressured to retire and 18 then -- read my whole sentence or --</p> <p>19 Q. New -- new firm management did not value long service 20 employees.</p> <p>21 A. Did I say something like it appears they didn't or 22 something? I don't know.</p> <p>23 Q. It could have been.</p> <p>24 A. That's what it appeared, that they didn't value --</p> <p>25 Q. Again, just based on rumors?</p> |
| Page 304 | Page 306 |
| <p>1 The time is five p.m. 2 (Recess taken at 5:00 p.m.) 3 (Back on the record at 5:14 p.m.)</p> <p>4 VIDEO TECHNICIAN: We are back on the video 5 record at 5:14 p.m.</p> <p>6 BY MS. HARDY:</p> <p>7 Q. You approached the Dykema firm after you were placed 8 on probation about wanting to be reclassified to a 9 legal assistant job from your administrative assistant 10 job so that you could get out from under the 11 supervision of Sue Choma; correct?</p> <p>12 A. Not as phrased. I sought to get the correct 13 classification for the work that I was doing and get 14 moved out of Sue Choma's supervision because of this 15 harassment that was -- she was continually throwing at 16 me, so . . .</p> <p>17 Q. Well, did you think that was a reasonable request when 18 you're on probation in your current job 19 classification, which is -- was administrative 20 assistant, to request that you be moved to a different 21 classification so that you could get out from under 22 the supervision of your current supervisor?</p> <p>23 A. Of the one that was retaliating against me and -- I 24 was being crushed, so it was -- yes, I needed to get 25 out of there. It was a cry for help.</p> | <p>1 A. Of a lot of people leaving and that they were 2 pressured, yes.</p> <p>3 Q. Did anyone share that point of view with you who 4 actually left the firm, that they were pressured to 5 leave or they felt that firm management did not value 6 long service employees?</p> <p>7 A. Two-part question. I'm scanning to see if I directly 8 talked --</p> <p>9 Q. It's not -- it's not a two-part question. My -- my 10 question -- one question is did anyone who left the 11 firm share that point of view with you that they felt 12 pressured to leave?</p> <p>13 A. I believe they did and I'm trying to recall who I was 14 talking with. I can't recall at this moment.</p> <p>15 Q. All right. So I have one last document I want to show 16 you. It was produced this week by -- by your 17 attorney, and it doesn't have a Bates number on it, 18 but it's -- says "Gmail" up at the top left corner, so 19 I presume this is something you sent to yourself and 20 the firm, but I don't -- I want you to identify it for 21 the record. It's -- it's got a date of June 20th, 22 2019, at 4:37 p.m. on one of the emails and -- I think 23 that's the only date.</p> <p>24 A. Oh, okay. So I remember this. Yes.</p> <p>25 Q. What does that concern?</p> |

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|---|--|
| <p>1 A. So at the meeting where Chelsea and Sue and I 2 discussed when could this alleged directive from 3 Chelsea possibly have taken place and when we 4 confirmed it couldn't have been the Monday, couldn't 5 have been the Tuesday, couldn't have been the 6 Wednesday, Chelsea said, "Well, it was Thursday or 7 Friday, then." 8 And I said, "I don't recall any conference 9 with you on Thursday and Friday, and it was just 10 Thursday that I realized I couldn't do it, and we had 11 that exchange at the printer, and we didn't have 12 anything on Friday." And so these are my time records 13 showing that I did not have any conference with 14 Chelsea Larsen about any switch conflict on either 15 Thursday or Friday.</p> <p>16 Q. All right. Have you ever talked to Donna Crumit about 17 why she left the firm?</p> <p>18 A. No.</p> <p>19 Q. Have you ever talked to Janet Burke about why she left 20 the firm? Or Jane Burke. I'm sorry.</p> <p>21 A. No.</p> <p>22 Q. All right. Have you ever talked to Steve Tupper about 23 why he left the firm?</p> <p>24 A. Yeah. He set up his own shingle.</p> <p>25 Q. He said what?</p> | <p>1 Q. All right. What about Patty Vign -- Vign -- 2 A. Vigneau? 3 Q. Vigneau? 4 A. To my knowledge, she's still there. 5 Q. All right. And Denise Shiemke? 6 A. To my knowledge, she's still there. 7 Q. All right. Did you ever talk to them about the 8 wheelchair, any of those people? 9 A. Yes. Those are the people that I recall, you know, 10 that made some comment to me about what's with the 11 wheelchair, why do you have a wheelchair, and then 12 when I said it was Chelsea's and -- I -- I -- and we'd 13 have a conversation. I believe they all agreed, yeah, 14 I wouldn't want it next to me either and -- you know, 15 not all at the same time. This is, you know . . . 16 So, yes, we all talked about the wheelchair. 17 Q. None of them said anything that suggested that they 18 thought Chelsea was -- had put the wheelchair in the 19 mix for the birthday celebration because she had some 20 kind of age bias? 21 A. This was more of leaving that wheelchair next to me 22 for over three and a half years. 23 Q. But none -- none of these people, Donna, Jane, Steve, 24 Patty, or Denise, ever suggested that they thought 25 Chelsea had any age bias, did they?</p> |
| Page 308 | Page 310 |
| <p>1 A. Set up his own shingle. He started his own consulting 2 firm.</p> <p>3 Q. He didn't say that he felt pressured to leave or left 4 because --</p> <p>5 A. Yeah. I think you're quoting people that commented 6 that it was inappropriate that the wheelchair was next 7 to me, so I think you're reading the wrong list of 8 people.</p> <p>9 Q. Well, let's put aside your concern. Have you ever -- 10 just respond to the questions. Did you ever talk to 11 Steve Tupper about why he left the firm?</p> <p>12 A. Before he left, yeah.</p> <p>13 Q. Okay. And that was because he was going into his 14 own --</p> <p>15 A. Yes.</p> <p>16 Q. -- own practice?</p> <p>17 A. Right.</p> <p>18 Q. He didn't say anything about being pressured to leave 19 because of --</p> <p>20 A. Yeah.</p> <p>21 Q. -- the firm didn't value long service employees and 22 being pressured to retire?</p> <p>23 A. To my knowledge, Donna and Jane are still there, so I 24 don't even think they're gone, to my knowledge, 25 so . . .</p> | <p>1 A. We -- well, by them agreeing they wouldn't want it 2 next to theirs either because it makes you look old or 3 something's wrong with you, they agreed they wouldn't 4 want it by them.</p> <p>5 Q. All right. There's not anybody at Dykema Gossett 6 that's ever shared with you in writing or verbally a 7 concern about Chelsea Larsen having an age bias, is 8 there?</p> <p>9 A. Not that I recall. Yeah.</p> <p>10 Q. Or any concern about Sue Choma behaving 11 inappropriately?</p> <p>12 A. Those I -- there's a lot of those.</p> <p>13 Q. You mean administrative assistants who don't like 14 the -- her being a tough taskmaster?</p> <p>15 A. That and among other things, so yeah.</p> <p>16 Q. Like what?</p> <p>17 A. Gosh, I'm getting into another dissertation. That -- 18 that Sue would say or write un -- you know, 19 inaccurate [sic] things to them.</p> <p>20 Q. Who are you talking about?</p> <p>21 A. You know, various people at the firm. So --</p> <p>22 Q. Do you have a name?</p> <p>23 A. I don't want to throw any of my old friends under the 24 bus.</p> <p>25 Q. Well, I'm asking you --</p> |

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|--|--|
| <p>1 A. I don't recall.</p> <p>2 Q. -- who -- you don't recall?</p> <p>3 A. No.</p> <p>4 Q. All right. Have you done anything since your last deposition to find employment?</p> <p>5 A. Yes.</p> <p>7 Q. What?</p> <p>8 A. I applied for a family law paralegal position.</p> <p>9 Q. Where was that?</p> <p>10 A. You're going to subpoena them. I don't recall the name of the firm.</p> <p>12 Q. Are you just saying that because you don't want to disclose it?</p> <p>14 A. I actually don't.</p> <p>15 Q. Well, how recently did you apply for this job?</p> <p>16 A. It was through school. Somebody got -- they approached the -- the professors.</p> <p>18 Q. How recently did you apply?</p> <p>19 A. I believe it was just a couple weeks ago.</p> <p>20 Q. And you don't recall the name of the firm?</p> <p>21 A. Po --</p> <p>22 Q. You'll be obligated --</p> <p>23 A. Polizzi.</p> <p>24 Q. -- to identify it in discovery, so there's --</p> <p>25 A. Yeah. I --</p> | <p>1 about the wheelchair and how it made you feel?</p> <p>2 A. That it doesn't belong to me, it's Chelsea's, that,</p> <p>3 you know, people ask me about it, makes me look old,</p> <p>4 please store it somewhere else.</p> <p>5 Q. Do you recall the exact date when you had that discussion with Sue?</p> <p>7 A. I don't.</p> <p>8 Q. Was it before your probation or your PIP --</p> <p>9 A. Oh, definitely.</p> <p>10 Q. And after you mentioned the wheelchair to Sue before your PIP or your probation, did Sue's treatment of you change in any way?</p> <p>13 A. I think def -- definitely. I mean, it kept speeding up; right? More and more and more. So yes.</p> <p>15 Q. What kept speeding up?</p> <p>16 A. The reprimands, the emails, the threaten to fire you.</p> <p>17 So yes.</p> <p>18 Q. And you were asked about a June 2019 meeting you had with Chelsea Larsen and Sue. Do you recall being asked that?</p> <p>21 A. Yes.</p> <p>22 Q. And at that meeting did you discuss with them your complaints of age discrimination?</p> <p>24 MS. HARDY: Objection. Leading.</p> <p>25 A. Well, yes. That's where I -- I put the point on it</p> |
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| <p>1 Q. Holding it back now is not going to accomplish anything.</p> <p>3 A. It was an Italian name. Palooza something.</p> <p>4 Q. Have you heard from them?</p> <p>5 A. No.</p> <p>6 Q. What did you tell them as to the reason you left Dykema?</p> <p>8 A. I actually was honest again, and they received it somewhat -- I didn't think it totally took me out of the running, but then I was ghosted, so I guess it did.</p> <p>12 Q. Is there anything else you've done to look for employment other than apply with that one firm?</p> <p>14 A. No.</p> <p>15 MS. HARDY: All right. We're completed for now.</p> <p>17 MR. FARRAR: I have a few questions.</p> <p>18 MS. HARDY: All right.</p> <p>19 EXAMINATION</p> <p>20 BY MR. FARRAR:</p> <p>21 Q. You were asked about a discussion you had with Sue Choma about the wheelchair. Do you recall being asked about that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And what did you tell Sue Choma at that time</p> | <p>1 and I said, "If you don't move that wheelchair, I'm going to file an age discrimination lawsuit."</p> <p>3 BY MR. FARRAR:</p> <p>4 Q. And did Sue's treatment of you change after you had that June 2019 meeting?</p> <p>6 A. I'd say --</p> <p>7 MS. HARDY: Objection. Leading.</p> <p>8 A. Well, I'd say yes. I mean, that's when she started picking on -- you know, wanting four entries a day and -- so like a lot of -- just anything. So yes, I would say so.</p> <p>12 BY MR. FARRAR:</p> <p>13 Q. Okay. In what ways did Sue's treatment of you change?</p> <p>14 A. You know, started picking on the entering four times a day. Just any movement. She, you know, again, accused me of -- incorrectly accused me of taking breaks. She's like, "Well, you smoke." Yeah. At home. So yeah. She was -- yeah. Just constant. She was always on me.</p> <p>20 Q. Did Chelsea's treatment of you change after the June 2019 meeting?</p> <p>22 MS. HARDY: Objection. Leading.</p> <p>23 A. Yes.</p> <p>24 BY MR. FARRAR:</p> <p>25 Q. In what ways did her treatment of you change?</p> |

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|---|---|
| <p>1 A. It seemed like any little minor infraction would be 2 documented and then go through Sue and . . . So yes. 3 MR. FARRAR: I don't have anything further. 4 MS. HARDY: I have one question. 5 RE-EXAMINATION 6 BY MS. HARDY: 7 Q. You don't recall an exact date of when you told Sue 8 Choma you objected to the wheelchair? In fact, you 9 don't recall what year that was or what month in a 10 year, do you? 11 A. Oh, I don't know about the year. It was -- gosh. 12 When was it? 13 Q. Are you guessing? 14 A. I would be. 15 Q. All right. Do you have any notes to re -- to look to 16 to refresh your memory? 17 A. Not on that specific Sue asking me about the 18 wheelchair thing I do not. 19 Q. Or you mentioning to Sue the wheelchair. That's what 20 I'm referring to. 21 A. She called me asking about the wheelchair. She 22 thought it was mine too. I -- I don't. I would say 23 things to prove my innocence on false allegations, so 24 no, I didn't save anything there. 25 Q. Okay. So the bottom line is that you don't know when</p> | <p style="text-align: center;">CERTIFICATE OF NOTARY STATE OF MICHIGAN)) SS COUNTY OF WAYNE) I, Cheri L. Poplin, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.</p> <p style="text-align: right;">Cheri L. Poplin, CSR 5132, RPR, CRR Notary Public, Wayne County, Michigan My Commission expires: August 21, 2025</p> |
| <p style="text-align: center;">Page 316</p> <p>1 that was and you have no way of establishing at this 2 point when that conversation occurred? 3 . Yeah. I just don't recall. I mean, I might -- it 4 might come back to me. I don't know. 5 MS. HARDY: All right. Nothing further. 6 MR. FARRAR: Thank you. 7 VIDEO TECHNICIAN: This marks the end of 8 the deposition of Kathleen Liebau. The time is 9 5:28 p.m. 10 (The deposition was concluded at 5:28 p.m. 11 Signature of the witness was not requested by 12 counsel for the respective parties hereto.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | |

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